

THE
DIVINE RIGHTS

OF
The *British* Nation
and Constitution

VINDICATED.

IN

REMARKS on the several PAPERS published against the Reverend Mr. HOADLY's *Considerations upon the Bp of Exeter's Sermons.*

VIZ.

Answer to Mr. Hoadly, by Bishop of Exeter.
Vindication of the Bishop, by Mr. O——th.
Tom a Bedlam, by L——ke M——ne.
Revolution no Rebellion, by Mr. J——s.
Best Answer, &c. by L——ley.

By N. S. Esq;

The Second Edition Corrected.

Chari sunt parentes, chari liberi, propinqui, familiares;
sed omnes omnium charitates Patria una complexa est; pro qua
quis bonus dubitet mortem oppetere? quod est detestabilior
(*Perkinitarum*). Immanitas, qui lacerarunt omni scelere patriam,
& in eâ funditus delendâ occupati sunt, &c. Cic.

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A D V E R T I S E M E N T.

WHEREAS the Reverend Dr. *M*—*fs* has declar'd, that what is hinted concerning himself and others in *pag.* 101. of the first Edition of this Book, and in the Dedication which was suppress'd, is a Mistake, and ground'd upon Misinformation: The Author relying on the Doctor's Declaration, and being willing to do Justice to him and all other Persons, does hereby retract the Clause in the said Page; and accordingly 'tis omitted in this Edition.



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The DIVINE RIGHTS *of the*
British Nation and Constitution
vindicated, &c.

My Lord,

§. 1. **S**INCE your Lordship's Retirement into the Country, our Conversation at *W—lls* has, among other things, been taken up with the Controversy lately started between the Bp of *Exeter* and Mr. *Hoadly*. When we have been debating the Points, and stating the Arguments on both sides, the Company has often wish'd your Lordship present, that we might have heard your Judgment upon the whole, to which every body in most cases, but especially in things of this nature, has always justly paid so great a deference. By the Prints your Lordship has receiv'd, I doubt not but you soon discover'd the Skill and Inclination of the Champions; yet having express'd your Desire to be inform'd how these Papers take with the Town, and particularly with what relish our Friends at *W—lls* have receiv'd 'em, I thought a few spare Hours might well enough be employ'd in reviewing all the Papers that have come to my Hands; and when that was done, to draw up a brief State of this Controversy, which I have now done for your Lordship's Perusal.

§. 2. The Characters of some of the Writers are well enough known to your Lordship, and by their Performances the World may judg of their Aims and Abilitys too. Mr. *Hoadly* is a Person well known of late Years, by his Preaching and Writings, which show him a Gentleman of good Sense; and, which is a Character that deserves particular notice in Gentlemen of his Profession, he heartily loves his Country,

try, and the Constitution. I wish the same might be truly said of some who are his Adversarys ; that hate his Cause, and his Person too, for appearing in the Defence of Liberty, and *the Divine Rights of the British Nation.*

§. 3. This Controversy, my Lord, took its Rise from two Sermons of the present Bp of E. the first preach'd at *St. Dunstan's in the West*, 1704. and the second before her Majesty, 1708. both on the Anniversary of the Queen's happy Accession to the Throne.

§. 4. In the first Sermon, 1704. there is in some Passages an Air of Liberty and Free-thinking, which was lik'd by many at the first publishing : yet all is not of a piece, nor to be admitted without Examination. For in that Sermon, p. 3. the Audience is told, *That our next Care to that of keeping a good Conscience towards God, shou'd be that of behaving our selves orderly and regularly in the Station which God has plac'd us in, of Subordination and Subjection to those Men that are set over us by God, with a Power to order and enact such Constitutions (only not contrary to the Divine Laws) as are necessary to conserve Justice and Peace in that Society over which they preside.* This is an honest wholesom Exhortation, and one wou'd think cou'd not be misapply'd by the same Person in the same Breath. *They who are set over us by God here,* as he expresses it, with a Power to order and enact such Constitutions as are necessary to conserve Justice and Power in our Society, are in the same Sermon, p. 11. declar'd to be *the King or Queen, and the two Houses of Parliament ;* and again, p. 12. 'tis said, *The Supreme Legislative Power is most certainly lodg'd in the King, and the two Houses of Parliament.* So that the Inference and Exhortation shou'd have been, by this Scheme, to obey and submit to this Supreme Authority, and to what it enacts for conserving Justice and Peace, &c. 'Tis plain, I say, that this ought to have been the Conclusion, viz. *The Queen and Parliament are, with Us, the Supreme Powers ; and therefore, obey their*

Laws,

Laws, and submit to their Authority. But instead of this, Obedience to the King alone, without any regard to the rest of the Legislature, is press'd ; and in such doubtful terms at last, as leave room to take in all the Absurditys of an absolute, passive, and most abject Servitude. For the Sermon tells us, p. 3. *If what he (i. e. the King) commands be not lawful, in that case we must submit, and not only because we can't, but tho we cou'd help it.* All which amounts to this, we must obey the Laws of the Supreme Powers, i. e. the King and Parliament ; and yet, if what the King alone commands, for he alone is mention'd, *be not lawful, we must submit, &c.* Now this Advice apparently contradicts it self, for it directs a lawful Obedience, or Obedience to the Laws of King and Parliament first ; and afterwards, in the same breath, exhorts to a Submission to what the King alone requires, tho it be not lawful : Which is plainly giving a Rule of Obedience according to Law, and presently inferring Submission contrary to Law.

§. 5. The same Sermon proceeds to tells us, p. 4. *That by Governors we are to understand such who have the Supreme Authority of the Nation, by what Name or Title soever they are call'd ; that is, the Legislative Power, in whose Hands soever it is lodg'd by the particular Constitution of the Place. This may be in one, a few, or more Hands ; and as well in a Democracy, or Aristocracy, as in a Monarchy.* Which is undoubtedly true, and a very civil Concession to our Neighbors abroad, from the Mouth of a *British* Divine ; tho it does not very well agree with a famous Canon, or Declaration, made 1640. in Convocation : for that affirms, *That the most high and sacred Order of Kings is of Divine Right, being the Ordinance of God himself, founded in the prime Laws of Nature, and clearly establish'd by express Texts, both of the Old and New Testament.* But the Sermon says, p. 4. *That the Scripture does not expressly define or prescribe any one Form or Manner of Government, but leaves every Country to it self, to establish that Form of Govern-*

ment which is most futable to its own particular Temper and Genius. And again, p. 7, and 9. There is no one Form or particular Sort of Government, that can truly be said to be of Divine Institution or Appointment. So that the Canon affirms Monarchy to be of Divine Right, and that 'tis clearly establish'd by exprefs Texts, &c. But the Sermon denys any one Form of Government, and names Monarchy for one, to be exprefly defin'd or prescrib'd in Scripture.

§. 6. In the same 4th p. 'tis said, *That to the Supreme Power, wherever lodg'd, Obedience is due, and Resistance forbidden; for 'tis that is the Ordinance of God, and to resist that is to resist his Ordinance, &c.* Now this is certainly right, and perfectly agrees with the Judgment of the best Casuists and Civilians, Antient and Modern, and with our Books and Statutes. And this Supreme Power, in the same Page, is declar'd to be the Legislative Power; and the Legislative Power with us, the same Sermon declares to be in the Queen and two Houses of Parliament. *You all know, I shall not need to tell you,* says Dr. B. p. 11. *That the Supreme Power of this Nation is by the Constitution lodg'd in the King or Queen for the time being, and in the two Houses of Parliament, &c.* So that by this Position, Rom. 13. forbids Resistance to our Legislature, *i. e.* the Queen, Lords and Commons; and to their Laws, or such Statutes as are enacted by 'em. But the Doctor presently forgets himself, p. 6. for there he stiles the Sovereign Civil Power, and presses Subjection to him alone, without taking any notice of the two other Branches of the Legislature, which, with the Queen, being (by the Doctor's Position) the Supreme Power, are irresistible: and he ought to have concluded, all three jointly consider'd, ought not to be resisted; and not to have restrain'd it to one Branch of the Supreme Power alone, as he does in his Application, p. 3. and all over the Sermon: so that how right soever his Position be, the Application is but by halves. Tho he includes the two Houses in his Notion of the

Supreme

Supreme Power, yet he excludes 'em in this, and in his other Sermon before the Queen, 1708. wherein he exhorts Subjects to Obedience and Non-Resistance to the King alone. This he ought to have done, but not to have left the other undone.

§. 7. In the 6th and 7th p. the Doctor tells his Audience, *That Solomon, who was King over Israel, had the whole Sovereign Authority of the Nation, both Legislative and Executive; and what he enacted was good Law, &c. and that he was an Absolute and Sovereign Prince.* Now tho this be wide from the point in debate between Mr. H. and the Doctor, yet 'tis observable how forward some Divines are in setting up and maintaining their own, and their Prince's Absolute Power and Authority over the poor People. As to the matter of Fact, I, and others too, think the Doctor much mistaken: for *Solomon* cou'd not by the Rules of the *Jewish* Monarchy assume such a Power; usurp it indeed he might: but that does not appear from his History, in the particulars the Doctor mentions. And if the Fact he pretends to flourish with was true, he knows the Rule: *A facto ad Jus non valet Argumentum.* But we are told, *That of the Children of Israel did Solomon make no Bondmen,* 1 Kin. 9. 22. and if he began to invade the People's Rights, they soon shook off the Yoke and his Successor together, and set up *Jeroboam* in his stead. But what if *Solomon* was an Absolute Prince, and usurp'd a Despotick Power; was his Usurpation irresistible, and *Jure divino*? Very learned Men, and very learned Commentators, are of a very different Opinion from the Doctor. A Bishop of our own, *Bilson* by Name, in the third part of the true difference between Christian Subjection, &c. p. 513, 514. says, *'Tis a Question among learned Men, what Sovereignty the whole People of Israel had over their Kings.* That they had a Sovereignty over their Kings in some respects, it seems was unquestionable; but what it was, learned Men cou'd not easily determine. Yet some, nam'd by Bp *Bilson*, were of Opinion, *That when the People*

of Israel made 'em a King, they reserv'd to themselves sufficient Authority to overrule their King, in those things which seem'd expedient and needful for the Publick Welfare: for which this is added as a Reason, That otherwise God wou'd not punish the People for their Kings Iniquity, which they must suffer, and not redress. And *Petrus Cuncæus*, an Author of undoubted Skill in the Jewish Affairs and History, is plainly against Dr. B's Opinion of the Absolute Power of the Kings of Israel: for *Cuncæus*, in his *Repub. Jud.* l. 1. c. 12. speaking of the *Sanhedrim*, says, it constitutes the Kings themselves, *quod summa potestatis est*; and that *De Rege belloq; decreta facta sunt Populi autoritate, cætera omnia senatores Sanhedrim per se expedivere*. And *Josephus*, a Jew by Nation, of great Eminency for his Learning and other Abilitys, and admitted on all hands for a proper Judg in this matter, being perfectly well acquainted with the Antiquitys, Laws, and Constitution of his Country, is directly against Dr. *Blackhal*, in his notion of the Absolute Power of the Kings of Israel; for he says, l. 4. c. 8. *Antiq. Jud.* That their Kings were to do nothing without the Advice of the High Priest, and Senate, or *Sanhedrim*; and if they augmented their Troops, and their Revenues, more than was expedient, they might be resisted. And *Zuinglius*, and *Bp Bilson* too, were of opinion, That the People of Israel were bound to resist, question, and depose their Kings for their Idolatry, and breach of the Conditions of the Regal Power, mention'd *Deut.* 17. And that God justly punish'd that People for *Manasseh's* Wickedness, because they resisted and punish'd him not, which they were oblig'd to do. But for a full Account of this matter, the Bishop may, if he pleases, read *Schickard*, who at large vindicates a Judicial Power over the Hebrew Kings, which however is not pretended to in the present Debate; but only the necessary Defence of the Monarchy and Constitution, against a Domestick as well as a Foreign Enemy.

§. 8. These are the Passages, which some think not very

The same Gentlemen are no less offended with the Doctor, when he says, *ibid.* that *The Supreme Power may be transfer'd to the People*; a Notion they ridicule as impossible. And again, that *If it be suppos'd originally in them*, p. 8. *they may transfer it to others*: which is with *Lesley* and his Followers a monstrous Absurdity. And they will not forgive the Doctor, unless he fairly retracts some Positions in p. 11, 12. such are his roundly asserting, 1. *No Man has a natural Right to more than the Necessarys of Life.* 2. *Whatever Right any Man has to Dignity or Dominion, except over his own Posterity, is merely human, and a Right given by the Law of the Land, or Constitution of the Realm.* 3. *And that no Man has a natural Right to the Government of a Kingdom: The only Right any Person has thereto must be a legal Right, given by the Law or Constitution of the Realm; and that remains only while such a Law is in force, which is alterable at the Pleasure of the Legislature.* And lastly, *That this is our case: whereupon he affirms, that our Constitution and Government is the best in the World.*

These are Notions so contrary to the *Divine Right of Kings*, maintain'd by the Pretender's Friends ; and to the Schemes of Arbitrary Power advanc'd by *Sibthorp, Mordaunt, Fene, L' Esrange, Hicks, Lesley*, and the rest of the scandalous Advocates for Tyranny and Slavery, that the Doctor can hardly hope for Remission from them ; and are not easily to be reconcil'd with some things he has advanc'd in his second Accession Sermon 1708.

§. 9. This second Sermon has several Particulars, that are either crude, doubtful, or erroneous ; which I shall take notice of, after I have represented some Points, with Mr. *H's* excellent Considerations upon 'em.

§. 10. This ingenious, pious, and learned Gentleman, not discourag'd by the constant Revilings, infamous Slanders, and clamorous Rudeness and Banter of *Lesley*, and the Fury of the Pretender's Faction, has upon Occasion appear'd, for the Cause of the Queen and Constitution, against their seditious and impudent Notions, and dangerous Positions, with that Christian Temper, Strength of Reason, and in short, with so much good Language and good Breeding, that the Party is provok'd to the highest degree : And because they find him vastly their Superior in his Cause, his Arguments, and all that can justly recommend an honest Gentleman, and a judicious Divine ; they have lost all Temper, and renounc'd common Civility ; resolving to run him down with Banter and Scurrility, which are Gifts wherein *Lesley* and his Brother Conjurates have an Excellency.

§. 11. Soon after Bp *B's* second Accession-Sermon came abroad, Mr. *H.* writ his Considerations to the Bishop in a very dutiful Stile, excusing himself to him, for the manner of his Address from the Cause he espous'd ; wherein the Honour of the Christian Religion, and the Security of Human Society were nearly concern'd : For the sake of both which, he
Consider. p. 4. thought it deserv'd seriously, impartially,
and

and frequently to be consider'd, whether the Nature and End of Government necessarily take away from the govern'd part of Mankind, the Right of Self-defence? Or whether the Gospel has utterly depriv'd 'em of any such Right, and left 'em naked and defenceless against all possible Attempts of their Governors? Now the Bishop having express'd himself in favour of Absolute Non-resistance upon such grounds, as don't agree with some Particulars in his first Sermon; and which seem not a little to discountenance the Justice of the Revolution, &c. Mr. H. and many other Gentlemen, who had read that Sermon, thought the Interest and Honour of our Constitution requir'd some Reparation.

§. 12. Accordingly Mr. H. presents the Bishop with an Abstract of some Passages in the first and second Sermons, and his own Remarks and Arguments thereupon; of all which, I now give your Lordship this Summary. He puts the Bishop in mind, that he had acknowledg'd in his Sermon

1704. P. 9. *That the Scriptures leave every Country to establish what Form of Government they pleas'd.*

P. 15. *That there is no one Form that can be truly said to be of Divine Appointment.*

P. 18, 19. *That the Designation of particular Persons to the Administration of the Government, is human: and the Distribution into one or more hands, humane likewise, and the Ordinance of Man only.*

P. 23, 24. *That no Man has a Natural Right to the Government of a Kingdom, but a Legal one, i. e. a Right given by the Laws of the Land.*

And, *That the Kingly or Legislative Authority is not in our King or Queen solely, but in Queen, Lords, and Commons.*

§. 13. In the second Sermon Mr. H. observes that the Bishop declares, *That ought to be taken for the most rightful Government which is established.*

P. 4.

N.B. The References here are to the 4th Sermons; but in all other places to the 2 small Prints in 8vo.

P. 4, 5.

That

That the best Title to Government which has prevail'd by Prescription, or is settled by the Constitution.

That any one Form of Government is not of Divine Prescription, nor the Person of Divine Designation, otherwise than as all Changes and Revolutions in Government are brought about by the Working or Permissiōn of Divine Providence.

That by saying Government is of Divine Institution, he means this, and no more than this, viz. That 'tis the Will of God, that some shou'd bear Rule, and others be in Subjection; and that Rulers shou'd enact and execute Laws for the Preservation of Justice and Peace, &c. This, and The Authority with which the Magistrate acts, and the Powers which he exercises (which is a Ray and Portion of the Divine Authority communicated and deriv'd from God) is all the Divine Right the Bishop speaks of.

That the Magistrate's Divine Commission and Authority is not absolute and unlimited; and he can act with Authority no further, nor otherwise, than as he is warranted to do by his Commission.

§. 14. Mr. H. having laid before the Bishop these Particulars extracted from his two Sermons, he begs leave to examine other Passages, not very consistent with these Principles. He begins with the Bishop's Inference, *That the Magistrate has none above him upon Earth to question, censure, or punish him; because he is stil'd by St. Paul, the Minister of God.* In answer to this Mr. H. well observes, p. 9. that St. Paul does not barely stile the Magistrate the *Minister of God*, but the *Minister of God for Good*; and that he cannot be such, i. e. the Minister of God for Good, in any thing disagreeable to God's Will, and contradicting the very Design of his Office. And therefore the Bishop's Inference won't hold for one who is not truly the Minister of God for Good. For 'tis clear, that if the Magistrate's being the Minister of God for Good, be the reason why he ought not to be question'd; then if he be no such Minister, but an Enemy to the Constitution, he may, without opposing or resisting a Minister of God.

Now

Now to this Argument, the Bishop in his Answer to Mr. *H.* makes no proper, but a very wide answer, p. 11, 12, 13. He does not deny Mr. *H.*'s Premises, nor shew his Conclusion from 'em to be wrong drawn; but even grants it, p. 12. If so, I'm sure the Bishop's Inference was wrong. How does he then bring himself off? Why the Bishop in his Answer runs into a Departure from the Point in hand. Mr. *H.* shews the Bishop's Inference to be wrong; the Bishop admits it, and starts a new Question to amuse the Unattentive: *Does it follow, says he, any body is above the Magistrate? The only Question is, To whom the Magistrate is accountable, and by whom he is punishable?* No, Doctor, that was not the Question; the Enquiry was this, whether (one stil'd by some) the Magistrate, but suppos'd by Mr. *H.* to have quitted the Character, and to be the utter Enemy of the State and Constitution, was not to be question'd, &c? The Bishop says he is not, because he is God's Minister. Mr. *H.* answers, he may in Cases wherein he is not God's Minister, but is the Enemy of the State. The Bishop agrees it, that is, yields the first Point; and then starts a new difficulty, *By whom is the Magistrate to be question'd?* The present excellent Archbishop of Dublin has answer'd this Question, in his *State of the Protestants of Ireland, &c.* p. 14. 'Tis commonly objected, says he, *who shall be Judg?* And for that reason alone some conclude, it can never be lawful to make any opposition against a Governor, or to side with a Deliverer that comes to rescue miserable Subjects. I answer, says the Archbishop, some Cases are so plain, they need no Judg at all; every Man must be left to judg for himself—Either the People must judg by what they see and feel, or be oblig'd to blind and absolute Submission. And I dare appeal to all the World, whether it be safer to leave it to the Judgment and Consciences of a whole Kingdom to determine concerning the Designs of their Governour, or to leave it to the Will and Conscience of the King, whether he will destroy them? And 'tis less probable a Kingdom shou'd mistake, and less mischievous if they do,

do, &c. But the Bishop of *E.* goes on to flourish with Matter foreign to the Point in hand: *Accountable indeed the Magistrate is, but to God only*, says the Bishop; *which he thinks Mr. H. won't deny, unless he be higher than the very tip-top of Torism.* Prettily, tho Unepiscopally banter'd! The Doctor, we see, has not forgot his Puerilitys: he puns here and in other places; but not smoothly like a *Wit*, nor gravely like a *Bishop*. The Puns and Arguments are much of a complexion. But the Bishop goes on with his new Game, and presses Mr. *H.* to tell him, *to whom the Magistrate* (he shou'd say an Apostate from that Divine Office) *can be accountable here on Earth*; and concludes it can't be *to the Govern'd Part of the Society*, for this he thinks wou'd be absurd, and make the *Governing the Governed Part*, and the contrary, &c. Till Mr. *H.* gives a better, I desire the Bishop wou'd take this Answer. 1. That the Magistrate who is truly such, is not, and cannot be the Person here in question. 2. 'Tis no Contradiction, he knows, to affirm or deny any thing of the same Persons in different respects. The Bishop of *Exeter* is the *Governing Part* (as he speaks) in the Diocess of *Exon*, in Spirituals; and the Sheriff of the County, being of his Flock, is the *Governed Part*: on the other hand, the same Sheriff is the *Governing Part* in the County in Temporals, and the Bishop the *Governed Part*, without any Absurdity, as the Bishop weakly supposes. So the Magistrate in the just Execution of his Office is the *Governing Part*, and the People certainly are the *Governed*. But on the other hand, in matters that don't belong to his Office, or are contrary to it, and subversive of his Office and the Constitution; the Nation is, and ought to be, the *Governing Part*, if I may so speak, to secure the Monarchy and Constitution: and the Person call'd the Magistrate, who is destroying both, must be the *Governed*. And why may not the People be God's Ministers, to execute Vengeance upon Apostates from their Function, and that are become Evil-doers? Methinks it shou'd
not

not seem so strange to a Bishop, who has often read that *Republican Anti-monarchical Passage* in the Psalms (as some profane seditious Jacobites, I doubt, are apt to think it) That God's People have the Honour to bind their Kings in Chains, &c. *Psal. 149. 8.* But since the Authority of *Grotius* will signify more in this point, than my best Reasons, I wou'd refer the Bishop to *Grotius de Jure bel. ac pacis, l. 1. c. 4.* throughout; especially §. 8. — *Qui principes sub populo sunt* (here's the Bishop's imaginary Absurdity at first dash) *si peccent in leges ac rempublicam, non tantum vi repelli possunt, sed, si opus sit, puniri morte, quod Pausaniae Regi Lacedaemoniorum contigit*: Which last words of *Grotius* here run higher than any sober Writer among us will be pleas'd with. In §. 13. of the same Chapter, *Grotius* speaks exactly to the Case in hand: *Si Rex habet partem summi Imperii, partem aliam Populus aut Senatus* (which the Bishop again and again affirms to be our Case) *Regi in partem non suam involanti vis justa opponi poterit, quia eatenus imperium non habet.* In this Case there's no room for the Bishop's weak Objection of the Absurdity, as he imagines, if the Governing part be accountable to the Governed: for where others, as well as the Prince, are Sharers in the Supreme (which the Bishop owns to be the Legislative) Power; if the Share to which the Prince has no Right be invaded by him (as was done by the late K. J. twice at least, in continuing to levy the Customs, and assuming and exercising a Dispensing Power) 'tis an Encroachment upon, and Resistance of, the Supreme Power, lodg'd in the two Houses jointly with him. And the two Houses, in asserting their Rights, stand by and maintain the Ordinance of God, the Share of Supreme Power in them: And the Prince who opposes their Share in the Legislative Power, as truly resists the Ordinance of God, &c. as they do, if they disseize him of his Share in the Legislature.

§. 15. A second Consideration Mr. H. presents to the Bishop, upon his inferring the Magistrates (he shou'd say the Enemys to Magistracy and Government,

ment, for about such, and only such, the Question is) not having any to question or censure them, because St. Paul stiles them the Ministers of God, &c. is this, That every Person who is the Instrument of Good to us, is the Minister of God, which is undoubtedly true; and consequently the mere being stil'd the Minister of God, does not make the Person so stil'd unaccountable. This Consequence is strong against the Bishop's Inference; and he readily grants it wou'd be so, if the Apostle had said *the Subject is the Minister of God for Good to the Magistrate*; then he thinks he shou'd not have made that Inference, tho Mr. H. might: which last words of the Bishop's, as many other Expressions, shew such a want of Temper, that's not a little surprizing in the Bishop's Character. But the Bishop says, (*Answer*, p. 13.) that he consider'd, as he supposes, very obligingly and charitably, any Man but Mr. H. wou'd have done, *That the Person, the Apostle speaks of, was the Higher Powers, or the Highest Power upon Earth; and that he, as such, is the Minister of God, or has a Commission from God to exercise the Highest Power: and thereupon he thinks the Inference just.* After this he goes on to argue the Absurdity of supposing the Highest Power can be question'd, &c. Now, in this particular, the Bishop plainly quits again the Point in hand; for he had infer'd in his Sermon the Magistrate was not to be question'd, &c. from this Medium, because he is the *Minister of God*. Mr. H. shews him, that won't follow from his being the Minister of God, because *all who do Good are such*; and yet it can't be infer'd, that they are not to be censur'd, &c. The Bishop grants the Inference won't hold in general; which was what Mr. H. wou'd have: But thinks it just, when the Higher Power is stil'd the Minister of God, to infer, he is therefore not to be question'd, &c. So that the Magistrate's being the Minister of God, is by this way of reasoning, not made the Medium of his being not liable to be question'd, &c. but his being the Highest Power upon Earth,

Earth, is now the Reason or Argument for his being unexcusable ; which is a very plain shifting of the Scene, as will appear by putting the Bishop's Arguments in form.

In the Sermon the Argument is : The Minister of God is irresistible, or not to be question'd, &c. The Magistrate is the Minister of God ; therefore he is, &c. But in the Bishop's Answer, the Argument is : He who has a Commission from God to exercise the Highest Power, is irresistible, &c. The first Medium wou'd not do, and so the Bishop flies to the second, and quits the Field to Mr. H. The Strength of this new Medium will be try'd in our Reflections upon Mr. H's third Argument, and the Bishop's Answer.

§. 16. Against the Bishop's Inference, *That* (one untruly call'd) *the Magistrate is not to be question'd, &c. because he is the Minister of God* ; Mr. H. argues in the third place, *That the Magistrate, in the Bishop's Opinion, is said, not to have an absolute and unlimited Commission, p. 14. and That he can act with Authority no farther, nor otherwise, than as he is warranted to do by his Commission, &c.* So that he is God's Minister for a certain and determinate Purpose, beyond which he has no Authority ; and consequently, *opposing an unauthoritative Act is no criminal Resistance.* And again, Mr. H. observes, that the Bishop contends, that God has commission'd another Order of Men to exercise certain Holy Offices, and that they are the Ministers of God, and have their Authority from God, as immediately as the Civil Magistrate has his. And yet, if they exceed their Spiritual Commission, tho they be God's Ministers, they are not exempt from Censure, and the Coercion of the Civil Magistrate. So that the being God's Minister, in a case the Bishop puts, does not place the Clergy above Censure and Punishment : this is blank against the Bishop's Inference, and I doubt not very palatable with *L — y, H — ks,* and the *Romanizing Jacobites* ; who are for exalting the Dignity of the Christian Priesthood, and for preferring the Clergy above
 Secular

Secular Princes, and for making them irresistible : which may be justify'd by the very same way of reasoning, as the Bishop uses in favour of the Civil Magistrate (who degenerates into an Enemy to his Office and Government.) But as Mr. *H.* well observes, p. 12. *A Commission gives Authority, and consequently a Superiority only in those Points to which it extends, leaving all others as it found 'em ; or as the Bishop words it, The Civil Magistrates can act with Authority no farther, nor otherwise, than as they are warranted to do by their Commission, Serm. 2. p. 14.* Hence it infallibly follows, that they can have no Superiority beyond their Commission, and that their Superiority vanishes, or is a Non-entity in those Instances wherein they act, without or against their Commission, tho they are the Ministers of God. This is agreeable to our Case in *Britain*. Our Princes are vested, by our Laws, with sundry Powers and Privileges for the publick Good : as far as these Legal Powers extend, their *Authority is irresistible* ; but where they have no Power or Authority, the Subject opposes and resists in the Prince's own Courts, and carries his Suit against the King in the King's-Bench.

§. 17. Now to this the Bishop begins an Answer, with a Complaint, That Mr. *H.* has foully misrepresented his Sense, by saying, the Bishop has confin'd the Magistrate's Commission to one purpose, viz. that of Civil Government : Whereas, says the Bishop, p. 14. *I have expressly asserted, that the Highest Power or Supreme Magistrate is Supreme Governor over all Persons, and in all Causes.* What then ? Is the Bishop afraid of the Statute of *Præmunire* ? Why all this Caution ? Mr. *H.* I dare say, won't think of putting the Bishop in mind of the Statute of *Provisors*, tho the Answer, p. 52. flourishes with a—*Scan. Mag.* But does not the Bishop confine the Magistrate to a Civil Authority and Commission ? And does he not, p. 17. speak of Kings and Priests, as two Independent Powers in the same State ? Yes certainly. Then Mr. *H.* does him no wrong, and I dare say, meant him no wrong, in saying the Bishop confin'd

fin'd the Magistrate's Commission to a Civil Government, which the Bishop actually does for several Pages, viz. 14, 15, 16, 17, 18, 19, 20, 21, 22. and affirms, particularly p. 21. " That shou'd the Prince take upon
 " him to exercise the Priest's Office, or appoint others
 " not lawfully ordain'd to perform it, *there wou'd be a*
 " *perfect Nullity in every thing the Prince did of this kind :*
 " *And the Priest's Duty in this Case wou'd be to remon-*
 " *strate — nay, and to withstand him too.*" This, I think, is confining or limiting the Prince's Authority ; how justly this is done, is not the present Enquiry. And may not the poor Laity remonstrate, when their Rights are invaded ?

§. 18. The Bishop, *Answer* p. 14, 15. wou'd seem to be much at a loss to find out the force of Mr. H's third Argument ; but he's really more at a plunge to evade the force of it. *He owns the Priest is controulable* (God be prais'd) notwithstanding he is the Minister of God ; yet says, *A Commission to a Man to exercise the highest Power may exempt him from Censure, &c.* Now if the highest Power with us be the Legislative, as the Bishop affirms in his first Accession-Sermon ; then no one Person alone, with us, has such a Commission to exercise the highest Power, and consequently may not be exempt. But if the Bishop meant by the Highest Power, in his second Sermon, the Power and Authority of our Legislature, no body supposes that to be accountable but to God alone ; for its Acts are the Acts of the whole Realm, or Nation, for it self : and the Nation never calls it self to an account for Errors in former Acts, but by correcting 'em in succeeding ones. But he supposes a Commission of the highest Power, given by God to a single Person, or Magistrate : and he does but suppose it, for he neither states the Sense of his Words, nor proves the point ; but barely affirms it. Now there is a Sense wherein a good and wise Magistrate (such as our late King, and our gracious Queen) is truly God's Commissioner, or is the Minister of God. Every Man is so who does good ; but he is mostly and

especially God's Minister who does the most, and the most general Good: and this is always done by good Kings and Princes. Their good Actions therefore being more beneficial to the World, and more for God's Glory, than any private Persons can be, have consequently more of God's Approbation. The Design of their Office is the Publick Good: and when the Exercise of it is so too, such Princes are highly approv'd by the most High God; and highly esteem'd, and most deservedly lov'd by Men, and as such ought to be irresistible. And *God's Approbation of the Office in general, and of the just Exercise of it in particular, is all that in Reason can be understood by us, when we speak of a Commission from God to the Civil Magistrates in our Age.* The excellent Grotius (*de jure belli ac pacis*, Lib. 1. c. 4.) understood this, and nothing more by that Phrase [the Ordinance of God] — *Divina ordinatio vocatur, quia hominum salubre institutum Deus probavit.* If any thing else ought to be understood by a Prince's having a Commission from God, let the Patrons of such Notions state and define the Sense of the Phrase precisely, that their Meaning may be known by others and themselves. The *Original Contract* is often ridicul'd, how justly shall be seen hereafter; and a Copy of it loudly demanded by our *Servitudinarians*. We desire those Gentlemen to produce a true Copy of any one Grant made, or Commission given from Heaven, to any Prince's Ancestors, now reigning in Europe. But if this *Individuum vagum* of a Commission, &c. won't exempt the Person (who, when he degenerates, is untruly stil'd the Supreme Magistrate) the Bishop thinks himself sure of another Medium that (he supposes) certainly will; and therefore he comes on briskly, and tells Mr. H. he was speaking of such *Magistrates as were vested with the highest Power upon Earth.* Now nothing, says he, can be higher than the highest, &c. These last Words are an undoubted Maxim. But the Question remains, who is the highest

est Power upon Earth? The Bishop's Answer to this Question must be, that *our Legislature is the highest Power* in our Nation (the Constitution of whose Government, he says, is the best in the World) for, says he, in p. 11. of the first Sermon, You all know (yet he often seems not to know, or not to own this) *That the Supreme (i. e. the highest) Legislative Power of this Nation, is by the Constitution lodg'd in the King, &c. and two Houses of Parliament.* And again, p. 4. They who have the Supreme Authority, (*i. e. the highest Power*) he explains to be such, as have the Legislative Power. Now if the whole Legislative Power be the highest Power on Earth, why does the Bishop press Obedience and Non-Resistance to one part only, and plead for Impunity for that one part of the Legislature, and not for the whole? even tho that one part shou'd attempt to overthrow the whole, and subvert what he stiles *the best Constitution in the World*; which being so, *must be more the Ordinance of God than any other Constitution in the World.* And must not this Ordinance of God be maintain'd for fear of censuring one who stiles himself God's Commissioner, but is doing all he can to ruin the Constitution, *i. e. the Ordinance of God*, and to destroy the other Branches of the Legislature, who are truly God's Commissioners whilst they adhere to the Constitution? In short, in the Bishop's own Judgment, the Legislature is the highest Power with us: now one part of that cannot be the whole, therefore cannot be the highest Power; and therefore cannot be exempt, and wholly privileg'd: for 'tis he, or they alone, who have the highest Power, in the Bishop's sense, that are not accountable. In this particular we join issue with the Bishop, and leave this Head to the impartial Reader. But he wou'd take it unkindly if no notice be taken of a Difficulty he starts, *Answer* p. 8. viz. *That tho the Magistrate (improperly so call'd) exceeds his Commission, yet he mayn't be subject to Censure, &c. but by a Commission from a Power*

superior to him, &c. To this 'tis a full Answer, that the Legislative Power is, and must be, in the Bishop's sense, superior to such a Magistrate; and their Acts bind, limit, and often divest him of his Power, and ordinarily censure his Male-Administration. Every time *Magna Charta* has been confirm'd, which my *Ld Coke* says has been done above thirty times, and commanded to be put in execution, 'twas done upon a Complaint of the Realm, that their Libertys were invaded or neglected: And the solemn Engagement of our Princes to observe that great Charter of our Libertys, was an Acknowledgment that they had been wanting in their Duty, and a formal Promise of Amendment for the future. And this was a peaceful and blessed Method of redressing Grievances; in doing which, Expedients that are violent are ever to be conscientiously avoided, unless they become absolutely necessary to the Safety of the Realm, and the Monarchy. In all the Branches of the Regal Office, the Parliament, who are the grand Inquest, and highest Judicature of the Realm, do make Enquiry how the Regal Power is executed in point of Law, and in the Management of the Publick Revenues. The Author of the *Mirroure of Justice*, who wrote some part of his Book before the Conquest, says, c. 1. fol. 9. Parliaments were Oyer & Terminer — *plaintes de tort le Roy, de la Reine, & de leur Enfants*, &c. This is expresse to the point, and the Book it self is a good Authority in Law; and nothing more than this had been necessary in our late Revolution to preserve the Constitution, if a standing Army had not been rais'd to maintain illegal Power, and support, by military Force, unjust Designs against Church and State; the Publick Grievances might have been redress'd in Parliament, and the Scepter continu'd in the Hands of that unhappy Prince: but he having not only forsaken, but invaded the Constitution, 'twas just and righteous in his People to stand by the Constitution, which being the Ordinance of God, they ought to obey and defend against him

him who resisted it, and endeavour'd to subvert it, contrary to his Declaration, his Oath, and his Duty. And the 13th to the *Romans* will, on the Bishop's Principle, justify the Nation, or the Legislature, in abiding by the Constitution, and in opposing him that wou'd subvert it: for the Legislature, in the Bishop's sense, is the Highest or Supreme Power; especially when what Mr. *H.* urges is duly consider'd, that the Superiority of Magistrates is a *Non-existens* in those points, that are without, or against their Commission; and when 'tis farther consider'd, That there can be no just Power to do Wrong, That all Wrongs or Injurys are contrary to the Divine Authority, and ought to be prevented, or remedy'd, as much as possible, in a reasonable way; That the greatest Mischief or Injustice, such as is the Ruin of a whole State or Nation, is the most contrary to the Divine Will and Justice, as well as to human Laws and Equity, of any Act a Person can be guilty of: and therefore it must be the most glorious Action that can be perform'd, to prevent, or rescue one's native Country from Destruction; yet always by wholesom Advice and Persuasion first, if that will do; and if not, by just and necessary Force, directed by Christian Prudence and Charity, aiming chiefly at the Safety of the whole; and if it be compatible, to reclaim and restore the wrong Doer. And Force, apply'd with such an Aim, and employ'd with such Discretion and Religion, is the most authoritative Act that a Nation, or their Representatives, can execute; standing upon the Authority of the Divine Will, and express Commands, and the Reason and Justice of the Law of Nature, and Nations; and perfectly comporting with the Nature, Ends, and Constitution of every wise Civil Society.

§. 19. But the Bishop thinks he may still maintain his Conclusion, p. 16. *That the Magistrate is not accountable to his Subjects.* This is a very general Proposition, and may be true or false as 'tis stated; for

our *Princes* are accountable for the *Taxes* given for Publick Service; they are accountable in Parliament for *Warrants and Commissions* issu'd contrary to Law, and for any *Misfeasance and Misadministration*; and are often address'd, or admonish'd, not to do so or so: this is continually practis'd. Again, *Magistrates*, *i. e.* such as keep to the Rules, and due Execution of their Office, cannot *de jure* be call'd to Account; this all will agree. But lastly, *Magistrates*, abusively and improperly so call'd, *i. e.* such who once were *Magistrates*, but after that are become open and avow'd *Enemies* of the State, such are accountable and opposable, and in the highest degree too, if they offer the highest *Injurys*, and unjust Violence to the *Laws and Constitution*: and such *Opposition* is grounded on the *Divine Right of Self-Preservation*. The *Innocent* and the *Just* have a *Divine and Human Right* to *Life and Property*; which if an *Enemy* attempt to destroy, under colour of being *God's Minister*, the *Nation* who are truly *God's Ministers* in the defence of *Church and State*, the *Constitution*, and the *Monarchy*, may, and ought to oppose him always: but in all cases, with that *Justice and Reason*, which are ever to be observ'd, and always are observ'd by wise and good Men, in a state of War; of which this defensive one is the justest and most necessary.

§. 20. The Bishop says, *Answ. p. 17. Admitting the Magistrate has no Supremacy in cases wherein he has no Authority, yet he may so far retain the Supremacy he had before, as not to be subject to Censure and Punishment.* Now this is again a very general Proposition, and may be true or false, as it may be apply'd to Particulars. *Small Injurys and private Wrongs* ought always to be forgiven for the sake of the *Publick*, and for the sake of the *Magistrate* too. The State must not be disturb'd upon every *Oppression*. A good Christian, and good Subject, will not attempt to right himself by *Expedients* too costly, for his own sake, and for his dear *Country's* sake. But when the *Monarchy* and
Nation

Nation are in manifest Danger, who can be such an Enemy to *both*, as to maintain, that *these* may not be defended against a Power that's a perfect Nullity? as the Bishop affirms, p. 21. the Prince's to be, if he invades the *Priest's Office*; and surely 'tis no less a Nullity when he invades the *Nation's Rights*. That 'tis so in our Nation, was long since declar'd by divers of our Princes in *Mag. Chart. c. 37. Ann. 9 Hen. 3. Neither We, nor our Heirs, shall procure, or do any thing, whereby the Libertys in this Charter contain'd, shall be infring'd or broken. And if any thing be procur'd by any Person, contrary to the Premises, it shall be had of no Force nor Effect.*

§. 21. But still the Bishop thinks, *The Magistrate may retain his Supremacy he had before, so as not to be subject to Censure or Punishment.* P. 17. Now the Terms here, and in all other places where the *Magistrate* is mention'd, are all ambiguous; and the pretended Patrons of Regal Power generally chuse to express themselves in that manner. The words *King* or *Magistrate*, are to be taken always in a benign or favourable Sense; and ought to signify Persons, not barely invested with Civil Power, but acting with Justice and Reason for the Publick Good. Accordingly *Fleta*, l. 1. c. 17. defines a King to be so call'd, *a bene regendo*; whence he says, *Nomen Regis assumitur*: and he adds, *Rex vero dum bene regit, Tyrannus dum Populus suâ violatâ opprimitur dominatione.* The Prince or the *Magistrate*, taken in the proper sense of the Terms, are sacred and inviolable in their Persons, and their just Rights; and ought to be so. But Persons in all Relations may, and do degenerate; and if the *Guardian* or *Trustee* offers Violence to his *Ward*, 'tis deceitful and impious to plead the Privilege of his Office. And as *our*, and the *Roman Laws* deprive with Ignominy such Persons of their Trust; so Reason and Justice, on which those Laws are grounded, have as much good Will for a whole Nation, as such Laws can have for single Persons, or

Familys : So that if the Person in Power cannot *retain* it without manifest Prejudice and Ruin to the whole State; his personal Rights will, and must give place to the Preservation of the Whole. He can have no Commission from God or Men to *retain* (as the Bishop words it) *a Power* to abuse and destroy his own just Power, and his People's just Rights. And when his *retaining* Civil Power is as certainly hazardous to the Publick, as 'tis for an Enemy, or a Madman to *retain* a Sword or Pistol; he may justly be disarm'd of that Power, for the Security of the Successors, the Monarchy, and the Church, and the Safety of the Nation; which was our Case at the late Revolution. For *Render to all their Dues*, is as much for the Rights of the *British* Nation, and of all Nations; as *Give unto Cesar the things that are Cesar's*, is for the Rights of our and of all Princes; and more too, because *the Rights of Princes and Magistrates are entirely, and only, the Means and Instruments of the Publick Welfare*; but the Rights of whole Nations are the sole and ultimate End, which the Prince's Rights and Prerogatives are to serve and to secure, as King Charles I. in his Answer to *the Petition of Right*, declar'd to be his Maxim. And in all cases, improper ineffectual Means are wav'd for the sake of the main End, which they cannot serve; much more such as are prejudicial to, or incompatible with the main Design.

§. 22. Every good Subject here has a Divine Right to Life and Liberty; but Murder, or Treason, or Rebellion, forfeit that Right; and he cannot *retain a Right* to the Magistrate's Protection, who attempts to destroy him or his Fellow Subjects. Nor can such as are open Enemys to the State, *retain a Right* to its Subjection: for Subjection is due, and only due to *the Magistrate, or the Minister of God for Good*; and such he cannot be, who contrives or attempts the Ruin of a Nation. Such a Prince may indeed *retain* so much Power by the Assistance of Flatterers, and Traitors to their Country; he may have his *Hi--es's*,
and

and his *L—s*, his *C—rs*, and his *Gr——bs*, his *Perkinites*, and his *Catilines*; with whose Hands and Pens he may do much Mischief, and raise Sedition and Rebellion against the legal Prince: but this his Power is not from God, but from the Devil, the Author of all Evil; as *Fleta*, a very antient Lawyer, or Law-book, of our own, l. 1. c. 17. has long since rightly observ'd; *Potestas Juris solius est Dei, Injuriae vero Diaboli*. And *Bracton* expresses himself much to the same Effect, l. 3. c. 9. §. 3. *Nihil aliud potest Rex, cum sit Dei minister & vicarius, nisi id solum quod de Jure potest*: Which is good Law, and much better Divinity than is taught by our modern *Servitudinarian* Divines; who from *Sibthorp* and *Manwaring*, the *Adam* and *Eve* of Passive Obedience, in the ridiculous illegal Sense of it, have learn'd and advanc'd fundry Positions dangerous to the Church and State, and injurious to the *British* Monarchy and Constitution. Amongst which Positions this is one of the most pernicious, viz. *That the Nation has no Right to defend its Rights, or to deliver it self, and the Monarchy, from the Ruin a Governor, or Magistrate (abusively so call'd) is bringing upon it.*

§. 23. The Bishop's second Sermon, p. 9. says, That to warrant Subjects to censure or punish their Governor, it is not enough that they can prove he has exceeded his Commission (that only qualifys 'em to complain or witness against him) unless they can likewise shew, that they have a Commission from a Power superior both to him and them, to question, censure, and punish him for his so doing. Now this is speaking in wrong Terms, as these Gentlemen word it, and misrepresenting the Point in debate: for Mr. H. and every body in their Senses agree, that *Kings, Governors, and Magistrates*; that is, Persons ruling, and executing a just and legal Power, are so far unopposable and irresistible. And therefore 'tis unfair in the Bishop, and others, to insist upon this, as if 'twere question'd or deny'd: but this they always do, and will never take an Answer upon this Head, because they chuse to expose their Adversarys, and love to make 'em odious, by exercising an Arbi-

Arbitrary Power over their Sense and Language, and perverting their Notions and Principles in the most scandalous manner. Let the *Servitudinarians* admit, what they are unwilling to admit, that a Prince may degenerate into a Tyrant; and that, as *Pletz* justly expresses it, *Cujus opera fecerit, ejus & minister erit*; which is the Apostle *Paul's* own Sense, *His Servants ye are, to whom ye yield Obedience*. If the Writers and Historians of all Ages, and Countrys, may be credited; if *Suetonius*, and *Tacitus*, and the *Holy Scriptures* may pass for good Authoritys in this point with the *Passivists*; if the Civil Historys of all Nations may be believ'd: if, in short, there have liv'd in our Times the *Hamet Ben Hamets*, the *Aurence Zebes*, and the *Lewises*; Persons abandon'd to Cruelty and Oppression, devoted Enemys to Mankind, who overthrow all Justice and Order, and act all those Outrages upon their People, that a foreign Enemy cou'd commit. If, I say, there are, or ever were such Persons in the World; is there no Remedy left for Nations and Kingdoms to preserve themselves against such pretended Ministers of God? Have not Kingdoms or States a Power from God, and a Divine Right to defend a legal Constitution against illegal Violence? No, the Bishop will say, Unless they have a Commission from a Power superior both to him and them. Why such a Commission every Country has from God and Nature; and most civiliz'd States are commission'd, or authoriz'd, by their Constitution. This was not long since the Case of *Denmark*; *Bodinus de Repub.* l. 1. c. 4. l. 2. c. 5. assures us, The States of that Realm had a lawful Power to question, censure, and depose for Tyranny and Mis-government. And no Civil Society can subsist without such a Power, in cases where a Tyrant attempts its Ruin: its Rights are indubitable, and if the means of Self-preservation are not wanting, the State cannot want God's Commission for its defence: for they are the Powers in being, and the Ordinance of God; they are the highest Power, and as far as the Constitution is good and just, are from God in the best Sense.

Sense. Indeed whilst the Prince continues a legal Administration, he's a branch of the Legal Powers ordain'd by God ; but when he opposes the legal Constitution, he resists the Ordinance of God : and if his Resistance be with such Violence and Obstinacy ; as, unless it be hinder'd, will apparently ruin the State ; the *States or Constitution*, which is the Ordinance of God, has a *Commission* from God to preserve it self from all Enemys, Domestick as well as Foreign ; if by a Commission, as in reason nothing more can be meant by it, be understood God's approving the Vindication of oppressed Innocence, as an Act highly agreeable to his Justice and Goodness, and conformable to his holy Will, and the clearest Laws of Nature. *Every single innocent Person has God's Commission to preserve Life, Liberty and Property, by lawful means, against unlawful Force.* And *whole States or Societys*, who are the Ordinances of God, in a sense superior to any Member of it, are God's principal *Commissioners* and *Trustees* for the Preservation of the Rights and Interests of Mankind.  The Rights of the Crown, or Royal Office, are included in the Rights of the whole State, and are conjunctly with them to be maintain'd, as the highest Ordinance of God, against the Claims or Violations of any *single Person* ; whose single Right alone (if an open Enemy to his Country, and all Laws and Justice, both Divine and Human, can truly be said to have any Right) I say, *the Right of a single Person to the Exercise of the Regal Office, can never be of so high a Nature and Importance to the Publick, as the Being of the Royal Office, and Royal Family, and the Safety of the whole Constitution.* And 'tis the Being and Safety of the chiefest Good, that God and wise Men always prefer. In short, God's Authority is always on the side of Justice, and the Rights of Mankind : and to oppose the universal Rights and Constitution of a whole Country and Nation, destitute of a Divine Authority to support 'em against the Invasions and Violations of a perfidious illegal Power ; is in effect to charge

charge God foolishly, blemish the Divine Providence, and to represent an Allwise Being as more careful of the pretended Rights of an Enemy to Justice and Reason, and to his native Country, than he is of all the undoubted Rights of that Country and Constitution, which such a Person endeavours to subvert: which is a Notion, not only very absurd, but reproachful to the Wisdom and Goodness of the great Governor of the World. In a word, to ask for a Commission to defend Right and Reason against Injustice and Violence, is to banter the common Sense and Reason of all Mankind, and to set aside the Authority of the whole Bible; which if it teaches any one thing, has taught us that God is a Lover of Mankind, of Justice, Peace, and good Order; that he detests Violence, Oppression, and Wrong; and that 'tis every one's Duty to do all the Good, and hinder all the Mischief he possibly can. And whenever any Man, or number of Men, have it in their power to save a whole Nation, and hinder its Ruin, and don't perform so great a Duty, so glorious a Work, they are certainly the highest Offenders against God, and Betrayers of Mankind; and none can deserve severer Vengeance in this and another World, but they who preach for, and promote all they can, or are zealous Actors in the Ruin of their Native Country. Whatever Notions some *Divines* may have of deserting or betraying the Rights of their Native Country, a *diviner Writer*, and *better Casuist* than they, wou'd have expos'd such a Behaviour as infamous in the highest degree: I mean that immortal Patriot *Cicero*, who, in his first Book of Offices, judges such a Conduct to be the greatest Impiety. *Si is, qui non defendit Injuriam, neque propulsat a suis cum potest, injusta facit; qualis habendus est is (puta Concionator aut Causidicus) qui non modo non repellit, sed etiam adjuvat Injuriam.*

§. 24. The Bishop proceeds in his second Accession-Sermon, p. 7. to huddle several things which he had distinguish'd in his first Sermon: for in that he makes the *Prince and States*, at least with us, the Supreme or

Sovereign

Sovereign Power; but in his second Sermon he speaks of one single Person's being possess'd of the Sovereign Power, and says he is not accountable to the People, *altho he became at first possess'd of such Power, only by their Suffrage, or by their voluntary Acceptance of him*: which is impossible, unless, when the People chose him, they expressly renounc'd all Right to Self-defence, and resign'd themselves voluntarily to absolute Bondage, and covenanted with him to oppose his Rage and his Violence in no case, and upon no account whatever; a bargain of which perhaps the most barbarous Nations will not afford one single instance. Yet the Bishop thinks this may be illustrated by a Parallel Case, of a Mayor chosen by the Corporation, who has his Authority from the Prince, and is accountable to him, and not to his Electors, for Male-Administration: So the Prince, tho chosen by the People, has his Authority from God, and is accountable for it to God alone. This instance Mr. H. justly turns upon the Bishop, and tells him, the Mayor's Authority makes him superior and unaccountable only in the due Execution of his Office; that in other Cases he is opposable notwithstanding his Commission to exercise a legal Authority, which is certainly true. Only I wou'd remark by the way, that all Civil Power with us is originally from the Law, even the Regal not excepted; and the Law is the Rule and only Measure of the Magistrate's Superiority, and the People's Subjection; and consequently that Power is usurp'd which the Law has not given, and Obedience no Duty which the Law has not requir'd; and Opposition no Crime which our Law has not forbidden: and Resistance is a Vertue in behalf of the whole State, in which we include the Rights of our Princes, and the People too: That extending the Magistrate's Power beyond the bounds of Law, and the Limits of our Constitution, is an Usurpation: That Power usurp'd has no Title to Obedience: And lastly, that whenever an usurp'd lawless Power is employ'd to overthrow the just and legal Powers and Rights of the Monarchy and Constitution,

tution, 'tis the Duty of every Man, by prudent Counsels, and if it be absolutely necessary, by the united Power and Authority of the State, to save and secure his Native Country. Indeed slight Injurys, as I have profess'd again and again, are to be forgiven by private Men, and by whole Nations too; but I am not oblig'd to be so forgiving, as tamely to surrender my Life to an *Affassine*, nor ought Kingdoms and States to be *Felo-de-se's*. The *Mayor*, in the Duty of his Office, nay and the *Constable* too, are, and ought to be irresistible; and so *de jure* is every Man in *Britain*, whilst he continues a faithful Member of the Society. The Judges upon the Bench are irresistible, and by their Oath can do nothing against Right and Law, tho the King shou'd require it, 18 E. 3. c. 8. Now if the King can't obstruct the Course of Justice, surely a Mayor can't; and if he attempts it, or any thing illegal, he is liable to a Suit, or Remedy at Law, if the Attempt be such as the Law can afford a timely Relief: but in case of a sudden and secret Attack to rob me, and take my Life, he may be treated, not as a Mayor, but a Murderer and Highway-man. And the Life of the Innocent is of more value to the State than the Life of a Murderer. For Male-Administration all Officers are liable in the Queen's Courts; and some kinds of Male-Administration are a Forfeiture by Law, and Incapacity to hold or execute any Office, Civil or Military; and the Law will deprive immediately, without staying for the Expiration of the Mayor's Commission, as the Bishop improperly words it. And as for the Charge of levelling Principles upon Mr. H. in the Bishop's Answer, p. 18. 'tis a groundless Insinuation, which may gratify *L—ley* and the Seditious *Jacks*, and make 'em fancy that nothing but Arbitrary Power will maintain a Superiority in Governors over their Subjects: but as long as Mr. H. and the rest of her Majesty's Subjects, pay her hearty Obedience according to Law, 'tis impossible he, or they, shou'd be Levellers or Jacobites; who both, upon different Principles

ciples, condemn and curse our present happy Constitution; and the latter wish and pray for the blessed time, when they may *censure, judg, and punish* the whole Bench of Bishops, both Houses of Parliament, and her sacred Majesty too, for excluding their *Idol, the poor, insignificant, deluded Pretender*. Now if upon a *Jackish* Rebellion, and a *French* Invasion, the Mayor of *E—r*, or any other Corporation, shou'd form a Design to give up his Sword, and betray a strong Place, whither the Bishop and others had retir'd for Safety, into the Pretender's Hands; I hope the Bishop wou'd not slip the Opportunity, if he had it, of seizing such a Mayor; nay, and if he found it necessary, wou'd not only *censure* the Rebellion, but execute speedy *Judgment* with his own Hand upon the traitorous Mayor, with his own Sword, without waiting for a Commission in form; and offer up (most sacerdotally) the guilty Victim a Sacrifice to Justice, in the Cause of the Queen and his Country. And if the same Exploit was done by the meanest Lay-hand, in such a Mayor's Corporation, I hope the Bishop wou'd like it nevertheless, and heartily give him his Blessing, for *censuring, judging, and punishing* the Mayor, and thereby saving his Country. Why then is Mr. *H.* blam'd for saying what may be done, since 'tis what, it may be, the Bishop himself might do in an extreme personal or national Danger? In which, and in the like cases only, this Conduct is pleaded for by Mr. *H.* and it must, when duly consider'd, be approv'd by the Bishop.

§. 25. A fourth Argument of Mr. *H.*'s against the Bishop's Inference, *That the Person stil'd Magistrate is God's Minister, and therefore not accountable, &c.* is this, p. 14. That deputed or inferior Magistrates, as *Pilate* was to *Cesar*, are God's Ministers in the due Execution of their Office, and yet they are accountable: Therefore the being call'd *God's Minister*, does not make the Magistrate not accountable in all cases, &c. Here the Bishop allows, Answer, p. 18, 19. *St. Paul's* Words may be understood of the inferior Magistrate; yet says,

says, he had chiefly, nay and only, a respect to the Supreme Magistrate in his Sermon, when he infer'd from his being the *Minister of God*, that *he had none to question, censure, or punish him*. Now the Bishop's Concession here again is yielding the point to Mr. H. for, if *being the Minister of God* does not make *Pilate* unaccountable, in the Bishop's Opinion; then being the *Minister of God* will not make *Nero* unaccountable: but yet he thinks he must be so for all that, by another reason, which the Bishop in distress flies to, p. 19. where, with some Resentment, he says, *He did not at all ground the Unaccountableness of the Supreme Magistrate upon his being call'd by St. Paul the Minister of God, but that he grounded it only upon his having no Superior but God*. Admitting the Bishop did not infer the Unaccountableness of the Supreme Magistrate from his being stil'd the *Minister of God*, or at least that he does not infer it now, because upon reading four plain home Arguments of Mr. H. against that Inference, he is convinc'd St. Paul's Words won't support it; then the Bishop must not be allow'd to argue upon that Inference elsewhere: Then the Bishop will not deny but the being stil'd the Minister of God, does not render the Magistrate unaccountable, tho when he is really the Minister of God for Good he may not be accountable: Then 'tis not because the Magistrate derives Authority from God, which the Bishop expressly affirms, p. 6. to be the Sense of the Words, *he is the Minister of God*; but because he was elected to the *Sovereign Power of all, he has no Superior but God, and has none above him upon Earth, to question, censure, or punish him*, p. 7. second Accession-Sermon. So that God's Authority, communicated to the Magistrate, is not the Bishop's ground for inferring he is unaccountable, but the People's Choice. And if ever they elected any Person to the Supreme Power, I dare say for 'em they did not, and never will do it in the most absolute Sense, so as to resign themselves and their Posterity intirely to the Will and Pleasure of an Absolute Tyrant, without reserve.

Election
cer-

certainly is an *Act of Judgment and Discretion*; but if ever any People did chuse a Person to the Sovereign Power, so as to make him thereby unaccountable in all possible Cases whatever, 'twas the most indiscreet and stupid Election that ever was made: and if the Question were to be put to all the Nations in the World, whether, at the time they chose a Person or Family to the Supreme Power, they intended in so doing they shou'd be unaccountable, even in their Attempts to ruin the State; there's not a Nation so barbarous, but what wou'd reject the Thought with the greatest Indignation, even the *Syrians* and *Asiatics* not excepted, tho they, as *Livy* tells us, l. 36. were *genera hominum servituti nata*. But it may be some will say for the Bishop, that he did only and barely affirm this *en passant*, and without laying any great stress upon it, and that he suppos'd the Supreme Magistrate to have *no Superior*, and *none above him but God*, only whilst he continu'd to exercise the proper Functions of his Station. If so, Mr. H. and He are agreed: the only Question remains about such Acts, and such an Exercise of Power as is extra-official; or, if it may be so express'd, contra-official, and hostile to the State; to the doing whereof he was never elected by the People, and never commission'd by God; Whether the Magistrate can have any Authority for, and any Superiority in the doing of these? and whether the Defence of the Constitution against such Acts as these, be not the most authoritative, and most lawful Act in Civil Society? being an Adherence to the Constitution, and to the whole Body of Laws made, partly by the same Magistrate when in his right Mind, and by the whole State and Legislative Power, for the Preservation of the Rights of the whole Society. The Bishop is pleas'd to grant, Answer, p. 7. *That mere Self-defence is one of the most innocent means that the govern'd part of the Society can sometimes use, to preserve it self from Ruin and Destruction*. Now if such Self-defence be not effectual at some times for that end,

unless one, falsely stil'd the Minister of God, be hinder'd in his illegal Attempts upon the Constitution; why may not Resistance against illegal destructive Violence, manag'd with Temper and Prudence, be not only a very justifiable, but one of the most beneficial Actions in the World, not only to the State, but also to the erroneous misguided Prince? But I must not forget to prevent, if possible, the wilful Mistakes and perverse Comments of the *Perkinites* and *Semi-Perkinites*, that private Men shou'd never disturb the State for private Injurys, but patiently bear 'em for the sake of their Country, and the Honour of Religion: and if it so happens, tho it can seldom happen in the *British* Monarchy, that private Wrongs cannot be redress'd in a legal way, let the *Doctrine of Passive Obedience* be observ'd by the Partys injur'd, in the highest Sense of it, out of Love to their Country, and the Constitution; which are so sacred to every good Man, that he will not, for any personal Consideration whatever, give birth to a Civil War, and hazard the Downfal of the whole Fabrick. And when even the whole State stands upon its defence, there cannot be too much of Temper and Moderation in their Proceedings: for which the *late Convention Parliament* are justly to be applauded, and ever will be so, by all wise Men; by our Bishops especially, who have a grateful Sense of our happy Deliverance by the late Revolution, and have not shifted their Notions, or lost their Temper, as the Bishop by his way of writing seems to have done.

§. 26. The Bishop having attempted to elude the force of the four first Arguments, by pretending he did not infer the *Magistrate's being unaccountable from his being stil'd God's Minister*, but for a Reason consider'd in the last Paragraph; he comes to Mr. H's fifth and last Argument on this Head (*Considerations*, p. 15.) and finding it, like his Supreme Magistrate, irresistible, he pretends not to discern the Force of it, but attacks the preliminary Sentence at the beginning of

of the Paragraph, calling it Mr. *H*'s fifth Reason against this Assertion ; *Answer*, p. 20. Now if this *ben't cavilling*, I don't know what is, as the Bishop civilly tells Mr. *H*. in the same Page: for no body besides the Bishop and Mr. *L*—*ley* wou'd have pretended (to use another of the Bishop's Complements) to call that Mr. *H*'s fifth Reason, which he neither express'd or intended, nor any body understands for the fifth Reason. But this was a petty Artifice to bring on a little Juvenile Banter, that's neither so polite nor so reverend, as one expects from the Mouth of a dignify'd Author ; who when he comes to the Argument it self, does not pretend to answer it, as he had the four foregoing ; but declares, p. 21. *That 'tis a Point he's resolv'd to say nothing of* : that is, the Bishop is for Non-resistance where he can't resist ; for to be sure, he wou'd have said, if he cou'd have said any thing to the purpose. If he has nothing to plead, this our Law calls a *Nibil dicit*, which in all Actions is peremptory, and loseth the Action. So that this fifth Reason stands unanswer'd by the Bishop ; and is really unanswerable by him, or any other Preacher of the *Unaccountable Doctrine*. Mr. *H*'s Argument is this, p. 15. *That the Commission of Fathers is from God ; and their Persons pointed out by him : yet it was never doubted, that shou'd a Father be so outrageous or mad, as to attempt the Lives of his Children, whether his Hands might be ty'd, and Self-defence justly practis'd by them ? Nor is any body, for affirming this, revil'd, or thought to dissolve all filial Obedience : (tho the Bishop wou'd insinuate, p. 54. such a Charge against Mr. H.) His being the Minister of God therefore, let it make him never so unaccountable to his Children, yet doth it not in the Case of habitual or actual Madness, take from them the Right of Self-defence. So likewise, let the Civil Magistrate be, in never so proper a sense, the Minister of God, never so unaccountable, and never so much superior to his Subjects ; yet does not this in the least divest the Governed of the Right of Self-defence and Self-preservation, &c.* Thus Mr. *H*. And he

does not stand alone in this Point ; tho sound Reason need not fear the charge of Singularity : for it will and must stand against all Authoritys whatever, being it self unchangeably right, and resting upon the Divine Ordination of all created things, with their real Habitues. The admirable *Seneca, lib. 11. Controvers.* has this useful Apothegm : *Si parendum in omnibus patri, in eo non parendum est, quo efficitur, ne Pater sit ;* which may very justly be apply'd to the Case of the Civil Magistrate : *Si parendum in omnibus licitis Regi, in eo non parendum, quo efficitur, ne sit Rex & Respublica.*

§. 27. That, for Hostilitys and other illegal and unmagistratical Acts, which threaten'd the Being and Foundation of the State and Government, the Persons who were once the Supreme Magistrates have been censur'd, &c. is a matter of Fact beyond dispute, the Historys of all Nations affording plenty of Instances ; and hardly any thing of that kind was ever done, but the States or Society Representative have asserted their Right so to do. Whether all Nations have acted with strict Justice and Moderation, is not the Question : many have and many others have not ; for a just Power is not always executed justly : if it were, there wou'd be no occasion to question, censure and punish Malefactors, or to resist Usurpations ; nor indeed for any Civil Societys. The Question then before us is not *de facto*, what has been ; but *de jure*, what ought of Right to be done. And this being a Point highly aggravated, and wrongly stated, by the *Perkinites* and others, who are the greatest Enemys to all just Civil Government, and the most violent Patrons of absolute Power and Tyranny ; I will only mention the Sense of two or three great Casuists, and refer my Readers to the Learned Authors, who have, without any regard to Partys among us, determin'd the Point some Years since in foreign States. As for the Judgment of the *Roman* People in *Cicero's* time, we find his Report of it in his

his third Book of Offices, in these words: *Quid potest esse majus scelus quam non modo hominem, sed etiam familiarem occidere? Num igitur se obstrinxerit scelere, si quis Tyrannum occidit, quamvis familiarem? Populo quidem Romano non videtur, qui ex omnibus præclaris factis illud pulcherrimum existimat. — Quod ad PHALARIM Tyrannum attinet, perfacile Judicium est. Nulla enim nobis societas est cum Tyrannis, sed potius summa distractio; neque est contra naturam spoliare eum, si possis, quem honestum est necare. — Hoc omne genus pestiferum, ex hominum communitate exterminandum. Ista in figura hominis feritas et immanitas belluæ a communi tanquam humanitate corporis segreganda est.* What was the Fate of most of the twelve Cæsars, who were notorious Usurpers upon the Roman Libertys, may be easily gather'd from Tacitus, Suetonius, and others. Nero, who, in the latter part of his Reign, was one of the bloodiest Tyrants that ever liv'd, was adjudg'd by the Senate to be whip'd to death, which he prevented by killing himself. Had the *Hi—ks's*, and the *Le—ly's* of the *Passive Tribe* liv'd under Nero, they wou'd have corrupted St. Paul's meaning in Romans 13. to justify that Monster, and damn the Senate for presuming to chastise the Minister of God, one possess'd of the Supreme Power, and who was therefore, in their opinion, *unaccountable and irresistible*. But, as Cicero tells us, *Populo Romano non videtur*, &c. And by all wise Men, they must be allow'd to be much the better Judges.

§. 28. The Case of David and the Maccabees is well known, who stood upon their Defence against Saul and Antiocbus. David was a single Person, and 'twas upon his own private account that he took up the Arms of Resistance against Saul, and continu'd in Arms for some time; so that 'twas not a sudden unadvis'd Attempt, but a deliberate Act in David. Had he attempted the like here, I doubt he wou'd have been found guilty of High Treason. Tho he acted with great Moderation, and did not come to Extre-

mitys, when *Saul* was in his hands ; which was a generous Action: yet, I think, he had better not have disturb'd the State and oppos'd the King ; for a private Case will hardly justify one or a few injur'd Persons in attempting Reprisals, or raising Arms against their Prince. But, if it were lawful for him, it certainly must *a majori* be much more for a whole Nation to secure themselves and the Constitution against Oppression and Ruin. And on the other hand, tho Relation, former mutual Civilitys, good Nature, and Generosity ; and which is more than all these, a Regard for his Country, and God's Appointment of *Saul*, might justly make him tender of his Life: yet it does not follow, that he wou'd have been so scrupulous, had he been General of the twelve Tribes against *Saul*, endeavouring to extirpate the true Religion, and to subvert both Church and State ; nay, if he had been 'reduc'd to the Necessity of perishing himself, unless he lifted up his Hand against the Lord's Anointed in his own Defence, I doubt not but *David* wou'd certainly have prefer'd an innocent Life before the guilty one : but like a dutiful Subject and a generous Enemy, tho *Saul* fought his Life, *David*, as every good Man ought to be, was tender of the Life of his Relation and his Prince, whilst he had it in his power to secure his own. And in this he may justly be propos'd as a Pattern, for all good Men to imitate in the like Circumstances ; Of great Humanity and Generosity, of admirable Temper and Moderation, in the most critical Moments of Revenge. But at the same time, it must be remember'd, that so good and so divine a Person as the Holy *David* was for the Doctrine of Self-Defence ; and his Example clearly condemns the Doctrine of Non-Resistance, in the absolute Sense of it.

§. 29 If we now look for Instances of a Resistance of a higher Nature, such are more easily found than approv'd of by any but the Members of the Church of Rome, and some Non-Jurors within this Island. *Pliny* in l. 6. cap. 13. speaks of the several Customs of

of the People of *Taprobane*, suppos'd by some to be *Ceylon*; and among other things takes notice, that Appeals were made to the People; and, *Regem si quid delinquat, morte multari, &c.* The Priests of *Meroe* in *Ethiopia*, as *Diodorus Siculus* and *Strabo* inform us, took upon 'em the Office to punish their Kings capitally; a Power the assassinating Jacks at home, and the Jesuits abroad, wou'd be glad to have annex'd to the divine Right of their Priesthood. What these good Men can't bear, is, that Coercion shou'd be taken out of their Hands, *ut misellus populus Reges coaceret, hoc minime ferendum est; at Sanctæ Sacerdotum Autoritati potius vendicandum.* The *Lacedæmonians* also have sometimes usurp'd the Priest's Office in this particular, as *Grotius* tells us, *Lacedæmone si [Reges] peccent in Leges et Rempublicam, non tantum vi repelli possint, sed si opus sit, puniri morte, quod Pausaniæ Regi Lacedæmoniorum contigit.* And the most antient Kingdoms of Italy being of much the same Constitution; 'tis no wonder, says the same *Grotius*, *de Jure bel. ac pacis*, l. 1. cap. 4. §. 8. that *Virgil*, speaking of *Mezentius*, has these words,

*Ergo omnis furiis surrexit Etruria Justis
Regem ad supplicium præsentis morte reposcunt.* *Æneid.* 8.

If their Priests consecrated these Regicides, as some of ours did *Friend* and *Perkins*, or did the Execution themselves; all was well in the opinion of our Jesuited Jacks, who are sworn Enemys to all Kings but those of their own Stamp and Approbation. I mention these Instances, to shew what Coercion has been practis'd in some Nations, as *Grotius* and others inform us; God forbid it shou'd ever be in the Power of the Jacks, or any disaffected Faction, to practise the like here.

§. 30. In most Nations, at some times, there has been a Struggle between Power and Liberty, which has always issu'd in the Fate of the Prince, or the People: how justly in either case, sober and judicious Men will

determine by the Rules of Justice, and not by the giddy Schemes of our modern Champions for Servitude. They may write and preach to the World's end; but a Cause so notoriously opposite to the common Sense and Rights of Mankind, will gain very few Profelytes, but among the weak and superstitious.

Grotius and Puffendorf, two Foreigners, of excellent Judgment, whose Learning and Abilitys are and always will be applauded, wherever there are any who have a true Taste of the best way of Writing, have consider'd the point of *Resistance* for *Self-Defence* with a great deal of Care and Impartiality. The first, *Lib. 1. De Jure Belli ac Pacis*, cap. 4. lays down these Propositions:

Bellum in Superiores, quæ tales, ordinariæ non licitum esse Jure Naturæ, §. 2. which is very truly and justly, as well as cautiously, express'd. Yet he argues in §. 7. that, *Lex de non resistendo non obliget in summo & certissimo discrimine*.

And he maintains in §. 8. *Jus belli dari posse in principem populi liberi, viz.*

1. *In Regem, qui Imperium abdicaverit*; which was King James's Case.

2. *In Regem, qui tradere Regnum aut subicere molitur*; which was King John's Case.

3. *In Regem, qui totius populi hostem se ferat*.

4. *In Regem, post amissum Regnum ex lege commissoriâ*; which is the Case of all Tyrannical Princes: and 'twas particularly stipulated with the Kings of Arragon, *Si hoc aut illud fecerit, &c.*

5. *In Regem, qui partem duntaxat habeat summi Imperii, partem autem alteram Populus aut Senatus*; which the Bishop of Exeter says again and again is our Constitution. Grotius adds on this Head, *Regi in partem non suam involanti vis justæ opponi poterit*. King James was guilty of this very Invasion, for he caus'd the Customs to be rais'd without Authority of Parliament, and exercis'd a Dispensing Power; in the first Case he took upon him

him to make, and in the second, to repeal Laws without Consent of Parliament.

6. *Si in delatione Imperii dictum sit, ut certo eventu Regi resisti possit* — certe inquit Grotius, *retenta est aliqua Libertas naturalis, et exempta regio Imperio, &c.*

Grotius has put a seventh Case, wherein Princes (who are degenerated) may be resisted, and 'tis the first he mentions: but it being in the main coincident with the last, I omit to recite it. However it ought to be observ'd, that Grotius writ and publish'd this excellent Book before our Civil War began, and without any bias from our Affairs: that he dedicated it to Lewis XIII. King of France, as he tells him, *non Auctoris sed Argumenti fiducia*: and Lastly, That this Book has been receiv'd with as much Applause as any of his Pieces, and is perhaps the best Book of the kind that ever was written; and in this, the *Doctrine of Resistance, for the sake of the whole State, is maintain'd* in seven Points, after he had, with a great deal of Judgment and Learning, argu'd for the just Authority and Security of Princes and Magistrates, like a fair judicious Casuist.

§. 31. Another eminent Author and excellent Casuist in the Laws of Nations, is the admirable Puffendorf; whose Writings have gain'd him very great Authority in the learned World: And he, *De Jure Nat. & Gent. l. 7. c. 2. §. 10.* takes notice of three Cases, wherein the Magistrate, who degenerates, may be accountable:

1. *Si omnem Reipub. curam abdicaverit.*
2. *Si hostilem in suos animum induerit.*
3. *Si manifestè a Regulis gubernandi — dolo malo discesserit.*

This Author has taken great Pains, for which he is to be commended, to secure the Rights and Interests of Princes; and in *lib. 7. cap. 8.* treats at large *de Sanctitate Summi Imperii*, with great Judgment and Wariness, as one resolv'd to maintain the Rights of Kings to the highest pitch of Justice and Reason, in the

the six first Sections: yet, after he had so done, he remember'd that States and Kingdoms have their Rights, which are inviolable; that 'tis not repugnant to the Nature of Supreme Power——*Si eidem non sit potestas ex merâ libidine aliquem occidendi, ut huic nullo modo resistere liceat*: That some make a very wrong Inference, that because the Supreme Power is only answerable to God, therefore the State, at its first Institution, kept no Rights in reserve: That 'tis an impertinent Scruple, not to admit of Resistance against the most barbarous Outrages of Persons stil'd Governors; because there can't be suppos'd a lawful Call or Commission to take Arms against the chief Magistrate, over whom there can be no Jurisdiction. This last Observation of Puffendorf is the very thing that sticks with the Bp of E. and others, tho' 'tis slighted by Puffendorf as an insignificant Scruple: as if, says he, Self-defence were the Effect or Act of a proper Jurisdiction, or as if a particular Commission or Call were necessary to empower every one to preserve himself. After this he puts a Case, which Grotius had done before, That if the Partys, *qui coeundo summum Imperium prodixerunt*, who gave birth to the Supreme Power, had been ask'd, when they met to associate, if all wou'd be oblig'd to suffer death rather than resist, &c. in any case; he thinks their Answer wou'd be, They never intended this, for that wou'd be putting themselves, by mutual Counsel and common Consent, into a worse Condition than that which they propos'd to remedy, by forming themselves into a Society. For before they associated, they were expos'd indeed to the Injurys of many, which however they might resist; but if they associated so as to bar all Resistance, in all cases, against him, or them, whom themselves had arm'd with Authority and Power, they had, by their own Act and Deed, left themselves without any Remedy, or Security against Violence; which last were the two things they chiefly propos'd by Society. In the 8th Section of the same Chapter this excellent Author recites the seven Cases of Grotius before mention'd, and approves

of 'em, introducing his Section with this remarkable Passage, *Cæterum ista Sanctitate, quam hætenus adstrinximus, non gaudent nisi Reges revera tales*; that is, Kings are not thus sacred and inviolable, unless they are Kings indeed: which distinction is always to be heeded in this Controversy. For Kings, who truly deserve that excellent Stile, that glorious Title (*which always includes a reasonable Power exercis'd for the Publick Good*) deserve the highest Privileges and Veneration amongst Men.

§. 32. Hitherto the *unaccountable Doctrine*, or the Doctrine of Absolute *Non-Resistance*, has been chiefly consider'd, with the Arguments and Authoritys. I now beg your Lordship's Patience whilst I give you an Abstract of our Debates upon Mr. Hoadly's and the Bishop's Notions about the *Causa proxima*, or immediate *Origin of Civil Power*; which is the second point of Controversy between 'em.

§. 33. In the Bishop's first Accession-Sermon at St. Dunstons, there are several things affirm'd, which one wou'd take for good Concessions in favour of the true Origin of Civil Government, from Civil Consent: for he tells the Auditory, p. 4.

That *Governors are they who have the Supreme Authority of the Nation, by what Name or Title soever they are call'd*; and that *Authority is*, says he, *the Legislative Power, in whose Hands soever 'tis lodg'd by the particular Constitution of the Place*. And this Power, he says, is in a Democracy, or Aristocracy, as well as in a Monarchy; for the Scriptures don't define or prescribe any one Form of Government as necessary to be set up and preserv'd in all Nations, but leaves every Country to establish that Form of Government which is most suitable to its own particular Temper and Genius.

That no one Form of Government is of Divine Institution, and consequently any one of 'em may be chang'd and alter'd by a sufficient Authority; and such have they who have the Supreme Authority, p. 7, 8, and 10. which he declares to be the Legislative Power, and which he thinks

thinks may be transfer'd to the People: nay, he supposes for once, That the Right of Government was originally in the People, who may transfer it to their Delegates or Representatives. And they may chuse a President, and invest him with what degrees of Power they think fit, and order that the Power they give him shall descend to his Heirs after him.

In pag. 11. the Bishop says, He takes it for an undoubted Truth, that no Man has a natural Right to any thing in this World, more than to the Necessarys of Life. Whatever Right any Man has to Dignity or Dominion, except only over the Fruit of his own Body, is merely human; that is, 'tis a Right given by the Law of the Land, or Constitution of the Realm. Again, p. 11. If no Man has a natural Right to an Estate, much less can he have a natural Right to Government out of his own Family: 'tis the Supreme Power of every Nation that gives this Right to Government, to whom, and in such manner, as it pleases. And again, no Man has a natural Right to govern a Kingdom, the only Right he can have must be a Legal one, or a Right given by the Law and Constitution of the Country.

§. 34. After this one wou'd hardly expect that he who had said, p. 8. of the first Accession-Sermon, the People's Representatives might bestow what further degree of Power they thought fit on one single Person, and order that the Power they gave him shou'd descend, &c. shou'd afterwards in effect say, they gave him no Power at all: for in the second Accession-Sermon, p. 6. he says, The Power which the Magistrate exercises, and the Authority by which he acts, is a Ray or Portion of the Divine Authority or Power, deriv'd from, and communicated by God. And p. 7. That the People don't give him his Authority. And p. 8. The Supreme Magistrate must have his Power from God. Yet in the first Accession-Sermon the Bishop affirms, Some Power may be given by Representatives, who had it given to them by the People. Now the Sense of the word Power being not defin'd by the Bishop in either Passage, it must be suppos'd, if one wou'd reconcile him

him to himself, that when he speaks of *Power* given by Representatives to a single Person, he means only a Power to accept or take upon him such an Office in the Society. But when he is speaking of the Magistrate's Power and Authority, as given to him by God, he means a Power to act and do such things as belong to that Office of a Magistrate which he has accepted. So that by the first Power his Person, or his Family, is only elected to the Office; 'tis by the last that he is authoriz'd, commission'd, and empower'd to discharge the Functions of his Office. This I take to be the Bishop's Meaning, from the Illustration (he has subjoin'd, p. 7.) of a Mayor chosen by the Corporation, but receiving his Authority from the Queen. Now tho that Illustration may sute the Bishop's Notion of the Origin of Civil Power; yet, if that *Notion* be not right, the Illustration is nothing to the purpose, the Bishop himself being Judg.

§. 35. The Bishop's Notion is this, in his own words, Second Accession Sermon, p. 6, and 8. That *the Authority by which the Magistrate acts, and the Power which he exercises in the Execution of his Office, is a Ray or Portion of the Divine Authority, and Power deriv'd to him from, and communicated to him by God.*

2. That he must have his Power from God, and can't have it from the People, because 'tis such a Power as the People never had, nor cou'd have; and what they have not themselves, they can't give to another.

3. For that the Supreme Magistrate has the Power of Life and Death, which Power can't be given him by single Men, nor by the Community, p. 9.

4. That this Position, viz. The Sovereign Power of the Supreme Magistrate is deriv'd to him from the aggregate Body of the People, as by their Grant or Concession, is directly contrary to St. Paul's Words, *There is no Power but of God; and is grounded upon a Supposition false in fact, viz. that there were a great number of Men living together upon the Earth, before the first Institution of Civil Government: which whole Multitude had then, by natural*
Right,

Right, the same Power over single Men, which is now exercis'd by the Magistrate, p. 9, and 10.

This is the Bishop's Notion of Civil Power, and the Bishop's Argument for it: his Notion, I say, is, that the Supreme Magistrate's Power, which he exercises, and the Authority by which he acts, is from God, because he is stil'd *God's Minister*; and that the Power he has from God is a Ray or Portion of the Divine Power. How the Bishop came by this Notion I can easily guess; but I can by no means think *St. Paul* had the least thought of the Bishop's Notion. *St. Chrysostom* a Bishop, nay a Patriarch, and perhaps the greatest Master of the *Greek Tongue* of any amongst the Christian Writers, did not understand this Passage of *St. Paul* as the Bishop does: 'tis plain from his Gloss upon it, that he had a different Opinion of the 13th *Romans* from the Bp of *Exon*; had he been the Preacher before the Queen upon the Text, he wou'd have told her, the Apostle was not speaking of particular Princes or Governors, but of Government in general. But *Dr. Blackhal's* second Sermon, p. 8. says expressly, that it must have been with a special regard to the Emperor then reigning, whether it was *Claudius* or *Nero*, that *St. Paul* speaks these words, *Whosoever resisteth the Power resisteth the Ordinance of God*. *Dr. Atterbury*, in his *Concio ad Clerum*, p. 7, and 8. is of the very same Opinion; which is not a little astonishing, that ever it shou'd enter into the Thoughts of Men of Learning, born and bred under the *British* Libertys and Constitution, to imagine *St. Paul* shou'd, in the least, abet or countenance the most flagrant Usurpation, and the most exorbitant Tyrants that ever were in the World. To suppose *St. Paul* capable of this horrid Impiety, is to believe him the greatest Enemy to Order and Government, and the Peace and Happiness of Mankind. The very end of Government is to prevent Disorder, Confusion, Injustice, Violence, and perpetual Rapine and Bloodshed; but 'twas the business of *Claudius* and *Nero* to promote these Works of the Devil,

so that they resisted the end of Government, which is truly the Ordinance of God: and 'tis against them that the dam-
 natory Sentence of St. Paul will be executed at the great Day. Then Claudius and Nero, and the rest of those pretended Ministers of God, but real Instruments of the Devil; those great Masters of Mischief and Mis-rule, those sworn Enemys of Justice, Order and Government, shall (when the Allwise Governor, the God of Order, and Author of Government, renders to all good Princes according to their Works) receive to themselves Damnation for resisting the Ordinance of God, viz. a good Constitution and a just Government: for 'tis of this St. Paul is speaking, and not of particular Persons; and therefore as St. Chrysostom rightly observes, *The Apostle does not say, there is no Prince or Governor but what is of God; but there is no Power, or (as it might better be render'd) there is no Government but what is of God; ἡ μὴ εἶπεν, ὅτι γὰρ ἐστὶν ἄρχων, ἀλλ' ὅτι γὰρ ἐστὶν ἐξουσία. χρυσ. ὁμιλ. κγ.* And as it is of Government that he says, 'tis the Ordinance of God, so 'tis of Government that he infers, 'Tis the Minister or Instrument of God for Good: and the Apostle does not infer or affirm this of Claudius or Nero, or any other Prince or Tyrant whatever. Far be it from an Apostle to teach such an execrable Doctrine, and so certainly destructive to Civil Polity. What was falsely charg'd upon Christ and his Apostles, that their Doctrines tended, ἐπ' ἀνατροπῇ τῆς κοινῆς πολιτείας, to the subversion of Government, wou'd most certainly have been true, had they taught, as some of our Pseuda-
 postles teach, that those great Subverters of, and Enemys to all Government, Claudius and Nero, were the Ministers of God, tho they were the greatest Enemys to God and Men. The true Sense of the Apostle in this famous Passage is this: 'Tis every one's Duty to submit to Government (a Priest or an Apostle is not exempt, says Oecumenius in loc.) for there is no Government (properly so call'd) but what is from God (either by direct Institution, as that of the Jews; or by his
 Ap-

Approbation, as all the Governments in the World,
 as far as they are properly such, i. e. just and righ-
 teous Institutions.) *The Governments that be (really
 such) are ordain'd by God: whosoever therefore resisteth
 Government, resisteth the Ordinance of God; and they
 that resist (Government, whether they be Princes or
 Subjects) shall receive to themselves Damnation or Pu-
 nishment. For Governors (who are truly such, as is
 plain by what follows) are not a Terror (or Punishers)
 of good, but of bad Actions. Wilt thou then not be afraid
 of Government? do good, and you shall be rewarded by
 it; for it (that is, Government) is the Minister or In-
 strument of God for your Good: but if thou dost Evil,
 thou hast Reason to be afraid of the Justice of Govern-
 ment, which bears the Sword of Justice for this very pur-
 pose, as God's Executioner upon them that do Evil. And
 since Government does God's Work, ye ought to be subject
 and dutiful to it, not only thro fear of Punishment, but
 out of Duty or Conscience. And for the same Reason ye
 ought to pay Tribute also, because this is the continual Bu-
 siness of Governors (properly so call'd) viz. to reward the
 Good and punish the Bad. This is the true Sense of
 St. Paul in the 13th of the Romans, 'tis Government
 that St. Paul calls the Ordinance of God, and the Mini-
 ster of God for Good: and 'tis with a special regard
 to Government that St. Paul says, they who resist it,
 resist the Ordinance of God; and not with a special
 regard to Claudius or Nero, as the Bishop affirms: tho
 perhaps St. Paul might have one of 'em in his thoughts,
 when he said, *They who resist shall receive to themselves
 Damnation: for both Claudius and Nero were highly
 guilty of notorious Resistance and Opposition to Government
 and good Order in the Roman State. Nero, and Clau-
 dius too, deserv'd the Character of ἀντιτασσόμενοι τῇ
 ἡγεμονίᾳ, and of οἱ ἀνθεστηότες τῇ τῷ Θεῷ διαταγῇ*, more
 than any Persons in all the World, in St. Paul's time.
 And tho the Bishop says, p. 8. that 'twas of one of
 them the Apostle said, *he is the Minister of God; I
 can't for my Life believe the Bishop: for St. Paul, I*
 dare*

dare say for him, wou'd have been the last man in all the Roman Empire, that wou'd have call'd Nero or Claudius by so sacred a Name as *the Minister of God*. He wou'd as soon have stil'd Pope John XIII. or Gregory VII. the Vicars of Christ; and they were as truly such. Had indeed the late King William, of Glorious Memory, liv'd in Nero's time, and rescu'd the Roman State and Senate out of Nero's Hands, as he did us — ; I make no doubt but St. Paul wou'd in this Passage have celebrated his Name and Memory to the highest degree, as one of God's best Ministers, for saving an oppressed Nation from Nero, a notorious Resister of the Ordinance of God. But the Neronian Jacks, had they liv'd in those Days, wou'd have charg'd St. Paul with preaching Rebellion against their beloved Nero, of ever blessed Memory.

§. 36. Having deliver'd the Text from the erroneous Application, made by the Bishop, of the best of Characters to the worst of Men; 'twill be proper now to consider the Bishop's Notion of Civil Power, viz. *That 'tis a Ray or Portion of the Divine Power*. Now this Account of Power is so *enthusiastick*, and so indefinite, that 'tis little better than the *Quakers Cant about their Light within*. By the Terms [*Ray and Portion*] if properly understood, one must conclude the Bishop thinks Divine Power to be *quid materiale*, and consequently Civil Power; which, he says, is a Portion of it: which is as false, as 'tis absurd and singular. But if the words (*Ray and Portion*) are understood by the Bishop metaphorically and allusively, then they must give a very uncertain account of Civil Power; for the Rule is, that *all good Definitions ought to be without Tropes or Figures*. But the Bishop having a very dark and confus'd Notion of Civil Power, his Expressions must be such too. To be short, he takes the Power which the Magistrate exercises to be properly Divine, and as he speaks, deriv'd to him from, and communicated to him by God. Now this does not appear from the Words of this Text, for Government

in general is only asserted to be from God, in 13 *Romans*, as *St. Chrysostom* expounds it; and 'tis from God, as *Grotius* expounds it, *Voluntate Dei approbante: De jure belli ac pacis*, l. 1. c. 2. §. 7. And he reconciles *St. Peter* and *St. Paul* in this point, with these remarkable Words, l. 1. c. 4. §. 7. *Notandum est*, inquit *Grotius*, *primo homines, non Dei Præcepto, sed sponte adductos, experimento infirmitatis familiarum se-gregum adversus violentiam in Societatem Civilem coisse: unde ortum habet potestas Civilis, quam ideo humanam ordinationem Petrus vocat; quanquam alibi (a Paulo scilicet) divina ordinatio vocatur, quia hominum salubre Institutum Deus probavit.* In this Passage we have *Grotius's* Judgment of the Rise of Civil Society, which he founds in the Consent of separate Families; and for Civil Power, he derives it from that Civil Society; and lastly tells us how Civil Power is of Divine Appointment, or is from God, in regard that he approves of an Institution so beneficial to Mankind. And *Puffendorf* is of the same Opinion, and has confuted the Bishop's Notion, in his 7th Book *de Jure Nat. & Gent.* c. 3. by confuting *Frederick Hornius*, from whom the Bishop seems to have borrow'd his enthusiastic Notion of Civil Power. For *Hornius de civitat.* l. 2. c. 1. asserts, that tho a free People may chuse themselves a King, they do no more than point out the Person, whom God alone invests with the Regal Majesty or Authority: which is exactly the Bishop's Account of the Matter, and so is the Instance he gives to illustrate this Position; for he adds, that 'tis just the same as in the Choice of Magistrates by Corporations, who elect the Person, but his Power is deriv'd from the Supreme Magistrate. On which Notion there's this remarkable Censure pass'd by *Puffendorf*, l. 7. c. 3. §. 3. *Quæ assertio etsi multis specie pietatis blandiatur, in aperto tamen est, per eandem convelli omnes Conventiones, legesq; fundamentales, quæ inter Reges ac Subditos circa administrationem Imperii ineuntur.* After which, the Absurdity of the Notion is confuted at large by the same *Puffendorf*. §. 37.

§. 37. Since the Bishop then has not given us any rational Account of Civil Power, nor in what Sense he understands it to be deriv'd from God ; but has only drop'd a few unintelligible Terms, upon which he builds his Doctrine of *Irresistibility* ; it may be proper to consider, more exactly, what Civil Power is, and whence 'tis immediately deriv'd : and this duly stated, will overthrow all the Bishop's Scheme upon his second Head, of the Origin and Nature of Civil Authority.

§. 38. The true Notion of Civil Power, or Authority, I take to be this, *That 'tis a Right to exercise certain Powers, for and in behalf of the Publick, deriv'd from and communicated by a Society, or Civil Body, to one single Person, or to many ; whereby he or they, as Proxys, Representatives, or Executors of the State, can perform certain Acts in the Name, and for the Interest of the Society they rule and represent.*

That Civil Power is such, and so deriv'd, is plain from the Parts and Particulars whereof it consists ; and with undeniable Arguments is supported by the ablest Writers in Civil Polity. The Branches of Civil Power are these, *The Execution of the Laws, and the Administration of the Revenues of the Society at home ; and transacting Treatys and Conventions with foreign States in Peace and War abroad.* To these Heads are reducible all the Power of the Civil Magistrate. Now the Rules and Methods by which all these are regulated, are the standing Laws of every State ; without these the *Imperial Power or Dignity*, about which the Bishop expresses himself so loosely, p. 8. cou'd signify no more than *Jupiter's Log in the Kingdom of Frogs*. The Emperor *Justinian*, who compil'd the *Institutions and Pandects*, declares the Sense of this, in *Præmio Institut.* — *Imperatoriam Majestatem* — *Legibus oportet esse armatam.* Even the Legislative Power of the Roman Emperors, which sort of Power the Bishop often affirms to be the Supreme and Sovereign Power, was a *Concession* or a *Grant* of the aggregate Body of the People, *Institut. l. 1. tit. 2. §. 6.* — *Lege Regia quæ de*

ejus imperio lata est; Populus ei et in eum omne Imperium suum et potestatem concedat, aut conferat: which is so true, that the Bishop, and whoever else espouses his Notion of Civil Power, may be peremptorily challeng'd to shew any Instances, or to name any Branches of the Imperial Power, that were not deriv'd from the *Roman Laws*.

All the Authority of the *Roman* Magistrates was absolutely owing to their Body of Laws; and when any new Law was made, or old Law abrogated, the Power and Authority of their Magistrate was increas'd or lessen'd accordingly: of which hundreds of Instances are to be met with in the *Institutions*, &c. And the Case is the same with us in the *British* State. All the Power and Authority of the Supreme and Subordinate Magistrates with us, is founded in, and deriv'd from our Laws: this is asserted by the best and most antient of our Lawyers, and is notorious from the whole Body of our Common and Statute Laws. *Fleta* l. 1. c. 17. speaking of our Kings, affirms, *Nibil aliud potest in terra, nisi id quod de Jure potest*—And again, *In populo regendo superiores habet, et Legem per quam factus est Rex, et Curiam suam videlicet Comites et Barones.*—*Hoc sanxit Lex humana, quod Leges suum ligent latorem*—*temperent Reges potentiam suam per Legem, quæ frantum est potentiae.* *Bracton* who was a Judge in Henry III's Time, but wrote in Henry II's Reign; *Briton* Bishop of *Hereford*, who publish'd his Book 5 *Edw.* 1. by Command of that Prince; *Gilbert de Thornton*, who was a Chief Justice in the same Reign, and made an Abstract of *Bracton*, and Sir *John Fortescue* Chief Justice, and afterwards Chancellor in Henry VI. his Reign, have all express'd themselves to the same purpose, and almost *totidem verbis*, discouraging of the *Imperia Legum*, as *Livy* speaks.

Fleta has another Passage that is full and plain, and clearly shows the Original of our Princes Power from the Law, l. 1. c. 5.—*quia per Legem factus est Rex, dignum est quod dominatio et potestas legi attribatur*—

cui

cui Lex honorem tribuit et potestatem. Sir John Fortescue in his Discourse *de Laudibus Legum Angl.* informs Prince Edward, Henry VI's Son, that in political Kingdoms, as he stiles Legal Constitutions, Consent was the Bond, *Common Interest* the End of Civil Society, and *Laws* its Nerves or Ligaments, which he often spake of, as made by the Community in what he calls Political Governments: from that he derives the Prince's Power. In short, that the Power of our Princes is deriv'd from our Laws, appears from hence; 1. That all *Grants, Charters, and Commissions from the Crown, must be according to Law, or they are void.* 2. That a Power which the Crown had to give and grant sundry Privileges at one time, either by *Common or Statute Law*, has been vacated by *special Statutes.* 3. That new Powers and Prerogatives have been continually vested in the Crown, almost in every Reign, or Session, by new *Laws*, and old ones taken away, as may be seen in a world of Instances in our Statute Books. The *Scriptures* do not determine the precise Power of the Kings of *Britain*, but the *Laws*: if they did, it must be always *uniform, invariable,* and *not subject to be alter'd or annul'd.* 'Tis from the *Laws*, that all Crimes and Offences are specify'd, and 'tis from them that Magistrates are empower'd to inflict Penalties. 'Tis our *Laws* that declare such and such Facts Treason, Murder, or Felony. 'Tis by them all publick Revenues have been and continue to be given for publick Uses; and the King can't raise any Taxes here, as he is *God's Minister*, or by *his Power deriv'd from God.* 'Tis by the Kingdom, that all the twelve four-Shilling Aids have been given, and apply'd for publick Service. Whenever the Crown, in any Cases, issues any Grants or Commissions contrary to Law, they are void; which shews the Superiority of the Law over the Regal Power. And that Power cannot extend it self in any Instances beyond the Bounds of the Common or Statute-Laws, in which 'tis solely founded. *Whenever the*

Power of our Princes has been question'd in any Branch of it, they, who took upon 'em to maintain it in our Courts of Justice, did not pretend to resolve the Power of our Kings into a Divine Commission; but like good Lawyers appeal'd to our Common and Statute Laws, in which all the just Power, in the whole Administration of the Regal Office, is solely founded, and thence alone 'tis deriv'd. If therefore the Advocates for the Power of our Kings cite Rom. 13. to shew us, that their Power is deriv'd from God, we challenge 'em to tell us what Power they mean? and in what sense 'tis so deriv'd? and whether the new Powers vested in the Crown the last Session of Parliament, are included in Rom. 13. and were actually granted to her Majesty by God Almighty the last Winter?

§. 39. But the Bishop of Exeter, in his second Accession Sermon, p. 8, and 9. thinks the Power of the Civil Magistrate delegated to him from God, and says, 'Tis evident he can't have it from the People, because 'tis such a Power as the People never had, nor cou'd have: and he instances in the Power of Life and Death; which he concludes they have not themselves, and therefore cannot give to another. To this I answer, that this Assertion is contrary to the Opinion of the ablest Lawyers, who derive the Power of the Magistrate from the Community. *Grotius de Jure Belli ac Pacis, lib. 1. c. 3. §. 7. says, Subiectum Commune Summæ potestatis esto Civitas, proprium una vel plures pro cujusq; Gentis legibus vel moribus.* And he further maintains, that the Supreme Power may be in the Prince alone; because, says he, the People may abdicate, and transfer it to him: which shews that 'twas first and originally in them, otherwise they cou'd not part with it. The Bishop of Exon himself says, p. 8. first Accession Sermon, *If the Sovereignty be in the People, they may transfer this Power to others, who are then the Supreme Power, and the People cannot retake the Power they freely parted with.* Now did they, in such case, impart the Power of Life and Death? No, says the same Bishop, second Accession Sermon, p. 8,

9. What, is the Power of Life and Death not included in the Supreme Power, which he speaks of the Peoples parting with to others? that is a strange Supreme Power indeed! yet as strange as it is, there have been Supreme Magistrates without the Power of Life and Death, which the Bishop thinks inseparable from the Prince. The People of *Macedon* judg'd in Capital Cases, to which the Power of their Kings did not extend, as we are inform'd by *Q. Curtius*, l. 6. *Macedones assueti Regio Imperio*—*Judicia de Civium Capite non erant penes Regem*—*de capitalibus Rebus vetusto Macedonum modo inquirebat exercitus, in pace erat vulgi; nihil potestas Regum valebat, nisi prius valuisset auctoritas.* Tho they were long us'd to Kingly Government, yet their Princes meddled not in capital Cases; but their Armys abroad, and the People at home, had the sole Power of Life and Death.

In our Nation the same Power is evidently in the Hands of the *British* Community, who are try'd by their Peers, or attainted by their Representatives in Parliament; and the Sentence or Warrant for Execution is the effect of the Verdict or Attainder; and the *Dead Warrant*, as we call it, is no more than a Direction to perform what the Common or Statute Laws have empower'd the Magistrate to warrant. So that with us the Power of Life and Death is in the People, who by Laws, they are Partys to in enacting, make that Capital, and declare that Treason or Felony, which was not before; and authorize the Pains and Penalties to be executed accordingly. And had it not been for such Laws, our Princes cou'd not grant any Warrants for Execution in such Cases, whatever the Power be they are suppos'd to receive from God.

§. 40. The Bishop offers some Instances, second Accession Sermon, p. 9. to prove, the Power of Life and Death is not in the People: as no Man, as a private Man, has Power over his Brother's Life; he wou'd be a Murderer, shou'd be of his own head kill a Malefactor, &c. As Cases may differ, it may be truly as-

firm'd, he certainly has not, and he as certainly has, such a Power. *Whoso sheddeth Man's Blood, by Man shall his Blood be shed*, Gen. 9. 6. is as good an Authority for a private Man, whose Life is in unavoidable Peril from unjust Violence, to defend himself, as 'tis to the Civil Magistrate to take off the Murderer: So that if a private Man cannot preserve his own innocent Life, without taking the Life of one who unjustly and violently assaults him, he may, by the Laws of God and all Nations, be the Executioner of such a Malefactor. Every body knows, that killing

* *Natura
potior est
salus nos-
tra, quam
adversarii
perniciēs.
Quintil. 7.
c. 11.*

* *se defendendo*, is no Murder with us; and how the Bishop came to speak as if he thought otherwise, I can't easily imagine. If it be really his Opinion, he will find very few of Mankind concur with him: all the Lawyers and Divines too, who speak to this Point, I'm sure are generally against him. And when

he can answer *Puffendorf's Discourse of Self-defence*, lib. 2. c. 5. 'twill be time to consider this point more particularly. That learned Author maintains the Equity of Self-defence, both in a State of Nature, and when Civil Societys are form'd, in the case of extreme and unavoidable Danger. And so does *Fleta*, l. 1. c. 23. *Qui invasorem, seipsum et Hospitium suum defendendo, interfecerit, justè interfecit, &c.* In short, the first and strongest Argument from the Law of Nature for the Lawfulness of War, is always taken from the Right of Self-defence. *Grot. de Jure belli ac pacis*, l. 1. c. 2. begins his Discourse with it. And the Bishop of *Exeter* himself, if he was assaulted, wou'd find Nature too hard for his Arguments on this head, and wou'd certainly kill the Aggressor with a consecrated Chalice to preserve his own Life, and be absolv'd *in foro Dei*. So that tho it shou'd be granted, that Men consider'd in the state of Nature, before their Union in Civil Societys, shou'd not have a direct Power over their own Lives; yet admitting,

what

what must be granted, that all Mankind have, by a prime Law of Nature, an unalienable Right to Self-defence in cases of Extremity; this alone is a sufficient Foundation for Civil Societys to claim the Power of Life and Death: for Self-defence was perhaps the first thing, that all Men propos'd by entering into Societys; they associated for mutual Safety, which cannot be maintain'd without the same Power of Life and Death they had in a separate State, and did not forfeit, but transfer'd it in ordinary cases to select Persons, appointed to take care of the publick Peace and Security. And this Notion is far from being singular, or destitute of Reason. On the contrary, to deprive particular Men or Societys of Self-defence, or of a Right to preserve their own innocent, and to take away a guilty forfeited Life, is so singular, that very few of the Heathen Moralists, or Christian Fathers have been for it. And it is not so uncommon a Notion to suppose, in certain cases, that we may freely part with our own Lives, and have a Right so to do. I'm sure the New Testament is no stranger to it. *St. John* 1 Jo. 3. 16. tells us, that *Our Saviour laid down his Life for us, and that we ought to lay down our Lives for the Brethren*, which is press'd as a high Instance of Brotherly Love; our Lives must consequently be in our Power, to make it a practicable Christian Vertue. This the Bishop indeed seems to admit, *Answer p. 23.* but says, *Mr. H's Instance, of a Soldier's listing voluntarily in his Country's Service*, won't prove that he has a Power over his own Life. No Sir! I think it very strongly implys it, and is often made to appear, by an Heroical Bravery, that not only freely exposes, but absolutely sacrifices Life for the Good of the Publick; which was the Case of our Saviour, and of many a generous *Roman and Grecian*. And *St. Paul*, I think, is clearly of the Opinion, he had this Power over his own Life; for he roundly declares, *Acts 21. 13. That he was ready, not to be bound only, but also to die*

die at Jerusalem for the Name of the Lord Jesus. And such of the antient Martyrs, and the modern too, who voluntarily gave their Lives, *not accepting deliverance* [from Death] *Heb. 11. 35.* but preferring Death, in a good Cause, before Life it self, thought they had Power so to do, and accordingly gave up their Lives voluntarily, as divers *Christian, and military Heroes* have done since; who never doubted whether they had a Power to part with their Lives upon a just occasion, but look'd upon it as their Duty, which cou'd not be suppos'd of a thing not in their own power. And, This Point the Bishop at last, *Answer p. 23.* comes to agree, with this grave Instruction, *that Almighty God has an Absolute Power over all our Lives* (a thing no body ever call'd in question) *and that he has somewhere said, we ought to lay down our Lives for the Brethren:* which words are *no Precept authorizing* what we had no Power to do before, but *an Assertion* of the Apostle directing us to *lay down our Lives for the Brethren;* which plainly implys, that we have a disposing Power over our Lives, and ought to lay 'em down for a Publick Good. This Text does not make that a *Duty*, which was not so before; nor confer any *new Right by Revelation*, which Men had not by the *Laws of Nature*. They might sacrifice their Lives for the Good of their Countrys, as well before as since the Epistle of St. John was written; and where it is not, as well as where it is receiv'd. And tho he who commits Murder, shou'd not rightfully do Justice on himself; yet the Society may: who with him confederated against all external and internal Violence and Wrong, and by that Confederation have sufficient Power over the Lives of Malefactors, to answer the Ends of Society; which Ends were consider'd and agreed by the Partys, who afterwards became Offenders: and if such, by the Rules of the Society, were to be their own Executioners, as is and has been the case in some Countrys, such Execution must be taken for good and legal; for the

the Punishment must be inflicted by such Hands, and in such manner as the Society ordains. And it having ordain'd Death in certain Cases, the Malefactors Consent to the Laws of the Society is as good an Authority against themselves, as it cou'd be against any other Members guilty of the like Crimes, to empower certain Persons (call'd Magistrates, and appointed to do publick Business) to proceed to Execution. For every Man in his natural Capacity, has a natural Power to consent to every thing good and beneficial to himself and others, and to subject himself by his own Vote, as is done in our Parliaments, to the Penaltys of Treason or Felony; which is *voting his own Sentence and Execution, if he breaks the Law which his own Vote went to make.* Wherefore the Bishop has no reason to magnify the Strength of his Argument, Answer p. 24. *That a Murderer (as he speaks) han't Power to execute himself, but the Magistrate has; and therefore the latter has a kind of Power which he cou'd not receive from the former.* This is *plausible*, but not *conclusive*, and to the point; for the Execution of a Murderer is an Act of vindictive Justice or Revenge, which is *primarily* their Right who are the injur'd Partys, but by *Consent* vested in the Governors, who have therefore a *delegated Right* from the Community to exact Civil Vengeance. And it wou'd be ridiculous to suppose the Murderer shou'd have a Right to revenge upon himself the Injury done by him to another; and as ridiculous to imagine, that because a Traitor can't execute himself legally, therefore the Magistrate who can, did not derive his Authority for so doing from a Statute, to which such an Offender actually consented in his Legislative Capacity. Now this being fully to the point the Bishop urges so despotically, p. 23, and 24. I hope it does appear, that *the Magistrate has, in this very case that was instanc'd by the Bishop, no sort of Power but what is deriv'd to him, and communicated by the Society.*

§. 41. The Bishop indeed speaks of an *over-plus* of Power in the Magistrate, *Answer* p. 25. and infers, that it is of small Importance to the Question, if it appears, *That one has in some cases a Power over the Lives of others, unless he has it in all those cases wherein the Magistrate has it.* Now the Bishop does not name any case, or give any instance (besides that just consider'd) of this Power in the Magistrate, that is not in other Men by their natural Capacity, or by mutual Compact and Agreement. And whenever he, or any others, will undertake to assign any particular Right or Power, justly belonging to the Magistrate, which was not actually or virtually in the Members of the Society before, and cou'd not be deriv'd from 'em; it will be proper to consider what new Light shall be offer'd. If he had thought of any sort of Power, or cou'd have nam'd any particular Branch of Magistratical Authority, which was *more*, and *beside* what was in single Men, or the Society; I dare say he wou'd have been glad to name it. But he faintly quits this point, and attacks, *Answ.* p. 25. Mr. H. for saying, *That he wou'd be a publick Benefactor who shou'd kill a publick Enemy, supposing no fix'd Civil Government.* Is Mr. H. the first, or the only Gentleman, that has said, or thought in this manner? Has not the Roman Orator long since affirm'd it? 3 Offic. *Neque est contra naturam spoliare eum, si possis, quem honestum est necare.* Puffendorf thinks it not repugnant to Reason or Scripture, to hazard one's Life for the sake of others: And this Notion seems to be strongly imply'd in that Scripture Passage before-mention'd, which says, *We ought to lay down our Lives for the Brethren.* The Patriarch Abraham was a Volunteer in the Rescue of Lot his Nephew, who was taken Prisoner and plunder'd by Chedorlaomer, &c. Gen. 14. He had no other Commission for this Service, but a generous Humanity for an injur'd Relation; yet he attacks four victorious Kings, and upon his Return from their Slaughter was congratulated by the King of

of Sodom, and blest'd by *Melchizedec*, King of Salem, as a publick Benefactor. The King of Sodom, it seems, with Gratitude own'd the Benefaction, and *Melchizedec* made Presents to the Patriarch. But it had far'd much otherwise with *Abraham*, if he had been met by the Bp of *E.* he wou'd have catechis'd the Patriarch, and demanded his *Commission*, and by what Authority he took up Arms for this Expedition.

§. 42. The next point the Bishop attacks Mr. *H.* upon, is for observing, *That the Parliament had asserted the Original Contract between King and People as the Foundation of Civil Authority.* This he can't bear with, for many Reasons: First, because he thinks, this was done to silence the Bishop, and to shun the force of his Argument from Scripture. But Mr. *H.* had sufficiently confuted his Inference from St. Paul; and the Authority of Parliament was mention'd perhaps to take down some Mens Confidence, by letting the World see the Bishop's Notion of the Origin of Civil Power, was contrary to the Sense of our Legislature. But the Bishop has so much Assurance of his being in the right, that he thinks it wou'd not be for the Credit of Parliaments if it were believ'd, they had asserted any other Original of Civil Government, than the Scripture Writers seem to have thought on. Undoubtedly they have not: and 'tis as little for the Credit of Bishops and Convocations to preach up, and maintain Notions of the Origin of Civil Power, and Civil Societys, contrary to Scripture and Reason; and to explode the *Original Contract between King and People*, as *Lesley*, and the Bishop himself does, p. 27. in these words, *I never read the Original Contract, I don't remember the Parliament order'd it to be printed.* What then? Does not the Bishop remember the excellent Observation of a great Lawyer, *Nihil obstat, quo minus alicujus Rei origines ratiocinando investigari possint, utut de eisdem nulla Literarum Monumenta extent.* He, nor no Man living, ever saw or read the *Original Contract of Marriage* between the Bishop's Ancestors twenty Generations ago; and yet no body, not the

the Bishop himself, doubts whether there was such a thing. *Id certum est*, says an excellent Author, *Civitatem aliquando suam habuisse Originem, & conjunctionem illam citra pactiones factam esse nequit intelligi*. And tho the same Author judges, and that very truly, that 'tis for the Interest of Mankind, the Royal Power shou'd be preserv'd inviolable; yet he adds, which the Bishop is desir'd to consider, *Non tamen ideo necessarium fuerit, ea, quæ in manifesta luce sunt posita, abnegare, & pactum nolle agnoscere, ubi extat mutua promissio circa præstanda ea, quæ antea erant indebita*. Methinks so much respect was due to the Parliament, who speaks of the *Original Contract*, &c. as not to make a Jest of it: but this is not the first time that a Parliament has been flouted by some Divines, tho one wou'd not expect, but rather wonder that Gentlemen of that Learned Order shou'd be fond of such a Notion; for 'tis downright Hobbism as well as Jacobitism, to deny any *Original Contract* between King and People. Hobbs's

N. B. words are these, *De Civ. c. 7. §. 14. Qui summum in Civitate Imperium adepti sunt, nullis cuiquam pactis obligari, sequitur eosdem nullam Civibus facere posse Injuriam*. Here's the Bishop's Principle: and the Jacobites his Favourers maintain the same Position, for they say, *The King can do no Wrong, because he's under no Obligations or Contract with the People*. But the true Reason of that Maxim in our Law is, *because Kingly Power, or Regal Authority, is only for the Publick Good*: but Hobbs and the Jacks say, 'tis because the King is under no Engagements, and so do what he will, it can't be wrong, which is no *Legal*, but an *Infamous Reason*.

§. 43. The Bishop, *Answ. p. 27.* censures Mr. H. for appealing from Scripture to Acts of Parliament; for which Mr. H. had been to blame if he had appeal'd from it, as an insufficient Authority, or wav'd it, for Acts of Parliament, as a more sufficient one. But Mr. H. had duly consider'd, and fairly confuted the Bishop's Scripture-Proofs, and then closes a single Paragraph

ragraph with this Observation, *That our Parliament*
had openly asserted the Original Contract, &c. whose
 Acts the Bishop himself owns to be of the highest
 Human Authority in this Kingdom. And therefore
 such a Declaration made in Parliament, wherein so
 many Persons of great Learning and Piety had con-
 cur'd, did well deserve to be mention'd by Mr. H. and
 ought to have been well consider'd again and again by
 the Bishop, and not treated with Contempt, as 'tis
 in the Bishop's Answer, p. 27. The Notion of an
Original Contract between Prince and Subject, is main-
 tain'd by the best *Civilians*, and perhaps the ablest *Ca-*
suists; and I don't remember it to be slighted by any
 Writers of Note, but *Hobbs*, and *Lesley*, and the Bp of
E. who, to be even with Mr. H. for appealing to our
 Legislature, flourishes, p. 28. *with ten Acts of Parlia-*
ment, wherein 'tis declar'd as openly and plainly as Words
can declare any thing, that the King of England holds his
Crown from God, is subject only to God, and that none in
the Nation have any Coercive Power over him. Very
 good! and a true and honest Declaration 'tis, if le-
 gally and rightly interpreted. And 'tis every whit
 as true, that the King here has no Power to *coerce* (as
 some express it) his Subjects as *such*, as they are *bo-*
ni & legales Homines; 'tis only over Malefactors, and
 for breach of the Common and Statute Laws, that
 he's empower'd by those Laws to exercise a *Coercive*
Power. On the other hand, not only ten, but ten
 hundred Statutes and Laws declare or imply our Kings
 not liable to *Coercion*; for the word [*King*] is always
 taken in a benign and favourable Sense in our Laws.
Rex est qui bene regit, is a Maxim with us: For which
 reason *Kings*, that is, *Princes governing by Law, and*
acting for the Publick Good, are most certainly *irresistible*
as such; and have their Crowns from God, by his
 special Providence and Blessing. Authoritys of this
 nature won't serve the Bishop's purpose; he must find
 out, if he can, some *Acts of Parliament*, or *Texts of*
Scripture, obliging whole Nations to submit to tyrannical
 Oppression,

Oppression, and destructive Violence: for all other Authoritys but such, fall short of his Positions; and when he can find such, Mankind will be highly oblig'd to him.

§. 44. And now the course of the Bishop's Answer introduces again the 13th of the *Romans*, which whole Passage has been examin'd and expounded before; but the first Verse being manag'd by the Bishop with the same Address, and popular Artifice, as the *Romish* Writers us'd in their *Speculums* and *Sheet Controversys* with our Divines in the Reign of King James II. it may be convenient to consider what he offers from this Verse. Now the Bishop in his second Sermon, p. 9. affirm'd, that this Position [*the Sovereign Power of the Supreme Magistrate is deriv'd from the People, &c.*] is directly contrary to the Apostle's words, *There is no Power but of God*. And in his Answer, p. 28. having plac'd those two Propositions one against the other, he says, *If the Reader does not see a Contradiction between these two Assertions, I can't help his Eyesight, nor his Understanding: I make no Gloss, I give no study'd and elaborate Interpretation, &c.* Now this is just as the *Romish* Priests argue for Transubstantiation: for, say they, Christ at the Institution of the Eucharist, having taken Bread in his Hand, said, *This is my Body*; but Protestant Divines tell us, this was not his Body, but a Sign, Symbol, or Representation of it. We, say the Priests, make no Gloss, no studied Interpretations, but take the Words as they are: It is for you Protestants, who expound the Text directly contrary to the Words of our Saviour, that Art is requir'd in interpreting them. But don't every body know, that a Contradiction must be in the Sense and Meaning, and not in the Sound only, or 'tis no real Contradiction? If St. Paul's Assertion, *That we are justify'd by Faith*; and St. James's, *That we are justify'd by Works*; had been plac'd by way of Opposition, as the Bishop has set these Words, *There is no Power but of God, &c.* and *The Sovereign Power is from the People, &c.* and one shou'd say in the first, as the Bishop does
in

in the last Case, *If the Reader does not see a Contradiction between St. James's and St. Paul's Assertion, I can't help his Eyesight, &c. I make no Gloss, &c.* This way of arguing wou'd, by the Bishop himself, be judg'd no better than mere trifling; who, notwithstanding the seeming Opposition, has very well reconcil'd the two Apostles, in his Sermon before the University of *Cambridg.* And I doubt not, but he can as easily reconcile the seeming Contradiction in the case he puts to oppose Mr. *H.* If he can't, he'll not be able to reconcile St. *Peter* and St. *Paul*; for what the latter calls the *Ordinance of God*, the former calls the *Ordinance of Man.* Now when these two great Apostles are by a just Exposition reconcil'd by the Bishop in this last Case, the imaginary Contradiction vanishes, with which he so briskly attacks Mr. *H.* If he pleases to understand St. *Paul* to mean, *That 'tis the Will of God that some shou'd bear rule, and that others shou'd be in subjection*; or that Government in general is from God's Will and Approbation:

*Bishop's 2d
Serm. p. 5.*

And if we understand St. *Peter* to mean, that the Forms, the Persons, the Rules, and Power in Government, are from the People, and of Human Institution; which has been so understood by very great Men at home and abroad, and in part by the Bishop himself: I say, if this be the Sense of the Texts, where is the Contradiction? But now some will find a palpable Contradiction between St. *Peter's* Words, who affirms, *The King as Supreme to be the Ordinance of Man*, 1 Pet. 2. 13. and a Position which many contend for with great Heat and Bigotry, viz. *That Kings are not the Ordinance of Man, nor of Human Institution.* With what Scorn and Violence is St. *Peter's* Notion treated by the furious *Perkinites* and their Abettors? If a Man don't declare himself for the Divine Right and Institution of Kings, those worthy Gentlemen presently declare against him as an Enemy to Monarchy, and to all Government in general; tho they include St. *Peter* in the Charge.

§. 45. But if St. Paul's Words in gross won't serve the Bishop's Cause, he thinks he may argue the Power of the Magistrate to be from God, pag. 30. from these words, *By me — of God, — and ordain'd of God, &c.* This is playing at small Game indeed! Do these Particles imply immediate Derivation of Magistratical Power? If so, our Judges here, by *Prov. 8. 16.* may plead their Independency of the Crown, if any stress ought to be laid upon the Terms [*by me*] in that Passage, and they were to be understood literally and personally. But there's a continu'd *Prosopopœia* in that Chapter; and these words, *By me Kings reign, &c.* signify there, that the Government of Kings is manag'd by Wisdom, and so is Justice administer'd by all good Judges. 'Tis of the *happy Effects* of a wise Conduct, and *not of the Origin of Kings and Kingly Power*, that the wise Man discourses in that place. And as for the Terms [*of God*] and [*ordain'd of God*] in *13 Rom.* they won't support the Sense of immediate Origination of Civil Power from God: For the first, in some of the best Copys, is read ὑπὸ θεῶ, *under God*, which is conformable to the Terms that follow, ὑπὸ τοῦ θεοῦ τεταγμέναι, *i. e.* put in subordination to, or under God. But admit the present Reading, and our Version, 'tis Government in general, and not Persons governing, or the special Powers they exercise, that St. Paul is here saying is from God, as I have shewn before. But if, after all, the Bishop will have Sovereign Civil Power to be immediately deriv'd from God, the two Houses of Parliament are as much and truly, by the Bishop's Notion, the Ministers of God, as the King; for he makes both, in conjunction with the King, the Subjects of that Supreme Power with us.

§. 46. After this the Bishop proceeds to shew, that Civil Authority cou'd not be deriv'd from Civil Consent, because that wou'd imply, that *there were a great number of Men living before the Institution of Civil Government, who had by natural Right the same Power over*
 † single

single Men, which is now exercis'd by the Magistrate, p. 31. which is, he says, a Supposition false in fact, because Adam's Sons were born in a State of Subjection. In what State of Subjection, natural or political? For these two States are distinguish'd, not only by all who write on these points, but by the Bishop himself, in his first Accession-Sermon, p. 12. where he affirms more than once, That no Man has a natural Right to the Government of a Kingdom, and that such a Right is a Legal, i. e. I think, a Political Right; which then must be diverse, and proceed from different Causes. Civil Consent, according to Plato and Aristotle, nay to Moses and St. Peter, is the Efficient of Civil Power; the Stream of Writers, both Antient and Modern, Sacred and Civil, runs this way: And the contrary is maintain'd but lately by a few British Writers, who, if I may take the liberty to use the Bishop's dignify'd Banter, Answer p. 35. have learn'd this Notion from Dick, or Roger, or Tumbler, or Tomzer, the principal Proprietors in the Isle of Pines.

§. 47. But why shou'd it be thought so improbable, *That there were a great number of Men living upon the Earth, as the Bishop's Phrase is; or that there shou'd be several Independent Familys before the Being of Civil Societys? 'Tis far from being unlikely, that Family-Government was for some time thought sufficient amongst the Posterity of Adam; till upon the Increase of such Familys, and the Oppression of the Weaker by the Stronger, the Injur'd began to associate for mutual Security, and laid the Foundation of Civil Society. And the Partys to this Confederacy might agree upon certain Rules for the defence of Life and Property, and, it may be, pitch'd upon the fittest Persons to cause such Rules to be observ'd, who might thence be call'd Governors. But 'twas impossible for Paternal or Patriarchal Government to extend far, or continue long after the Multiplication of Mankind. Distant Settlements wou'd be out of the reach of a Father's Power to protect or punish, and length*

of time wou'd efface the Memory of *Primogeniture*; so that this Claim to Government wou'd be, and actually was, soon extinguish'd. When this happen'd, were Men to continue without Government till they cou'd trace their common Parent? or agree among themselves upon some Expedient for their common Intercourse and Security? If 'twas impossible, as upon due consideration I suppose it will be found, after the dispersion of the Ante-diluvian Familys, or upon the confusion of Languages, or any other accident, for 'em to know; and if they knew, and it wou'd be impossible for 'em to have recourse to a common Parent for Justice and Protection, from all the distant parts of the habitable Earth: then such a Paternal or Patriarchal Government must soon become impracticable; and Civil Government, arising from mutual Agreement, become necessary for common Safety. 'Tis certain however, that no Princes now reigning in the Universe can shew, by their Pedegrees, a Title to Paternal Authority over their Kingdoms: By the most antient Genealogys recorded by *Moses*, God has not thought fit to point out the several Chiefs of Familys, whom he wou'd have reign throout *Europe* by Hereditary Succession; nor in *Asia* it self, where Government is suppos'd by the Bishop to be born with Mankind. And God himself was pleas'd to have no regard to this imaginary Right of Primogeniture to Regal Authority, in his Appointment of *Saul* and *David* to be Kings over *Israel*; for the first, as himself tells us, 1 *Sam.* 9. was of the smallest or youngest Tribe, and of the meanest Family in *Benjamin*: And *David's* Pedegree shews, that he was the seventh and youngest Son in his Father's Family; and that Family, as the Genealogy runs 1 *Chron.* 2. descended from the Tribe of *Judah*, the fourth Son of *Jacob*, &c. So little reason on their side have the Bishop and the Patrons of the Patriarchal Scheme.

§. 48. And 'tis with no better Reason the Bishop attempts to make out (*Answer*, p. 33.) the imaginary
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Lineal Descent of Civil Authority from *Adam* and *Noah*, with such Arguments as these; I verily believe *Adam* and *Noah* were Civil Governors, and that Civil Power might be delegated (very softly express'd) to the Heads of their Posterity, tho to prove this may not be so easy. No certainly, 'tis all Guess and Conjecture without any Foundation; and as the World now is, the Bishop expressly owns, *There is ground for the Distinction between Paternal and Civil Government*, p. 33, to 36. which is enough, as to the main point in dispute between the *Patrons of Liberty and Servitude*. And as for the Original of Civil Authority, since the Bishop knows the ablest Writers are against him, and place it in Consent, of which a very learned and rational Account is given by *Puffendorf*, in *lib. 7. de Jure Nat. & Gent.* there needs nothing more to be added on this Head, till the Bishop or somebody else shall think fit (if they can) to confute that excellent Author, and establish a better Scheme than he has drawn, and *Grotius* before him, who affirms the Origin of Civil Power to be from the People, and in one short, but weighty Period, has reconcil'd *St. Peter* and *St. Paul* upon this point, *lib. 1. c. 4. de Jure Bel. ac Pacis: Notandum est* (inquit *Grotius*) *primo homines non Dei præcepto, sed sponte adductos experimento infirmitatis familiarum segregum adversus violentiam, in Societatem Civilem coisse: unde ortum habet potestas Civilis, quam ideo ordinationem humanam Petrus vocat; quanquam alibi & divina ordinatio vocatur, quia hominum salubre Institutum Deus probavit.* And how reconcilable this Notion is with the Articles and Liturgy of our Church, may be easily shown, whenever the Bishop or any other Writer of another mind, shall offer any Proofs to the contrary, that deserve to be consider'd. Which the unpolite Banter and Indiscretion in the Answer, p. 38, 39, 40, 44, 45, &c. does not deserve, but rather ought to be slighted for the Weakness of it, as the Author may be pity'd for writing in so ludicrous and unepiscopal a strain. For what can be more unsutable to his Charac-

ter, and contemptible in it self, than, upon a serious and important Point in debate, to fall a talking of *Dick* and *Roger*, *Tumbler* and *Towzer*, *Tag Rag* and *Bobtail*? &c. p. 35, and 45. Expressions more fit to divert the Mob, than confute an Adversary.

§. 49. In this bantring strain the Answer proceeds for several Pages, which is very surprizing; and at the same time studiously declines, p. 48, 56. the Consideration of some weighty Points, which deserve to be well stated and establish'd, for the *Satisfaction* of tender Consciences, the *Conviction* of the disaffected Party, and the *Honour of the Revolution*, and *Security* of the present Establishment: All which are of that Consequence to the Publick Peace and Security, that every Clergyman in the Nation is bound in Conscience to inform and satisfy the People about 'em, particularly the Directors of our Pulpits, my Lords the Bishops, and most especially the Author of the Answer to Mr. H. because his great Shiness and profess'd Aversion to meddle, p. 56. with the Points of *Self-defence*, *Original Contrasts and Revolutions*, &c. give shreud Suspicion, that he has no great kindness for these Principles; tho'tis evident, that upon them the very Being, and present happy Establishment of our Religion and Liberty is founded; which last, he tells us, have his good-liking. 'Tis no little Scandal and Offence he has given, by tempting sober and wise Men to believe, that *he is not hearty for the Constitution*, when they consider the Matter and Stile of his Answer, and how he treats a worthy Gentleman who frankly declares for, and stoutly as well as rationally defends the present Settlement, the Justice whereof is certainly undermin'd by divers Positions in the second Accession-Sermon, and the Answer; and openly and impudently attack'd by all the Author's rare *Vindications*, who plainly take him for their Friend; and tho' they don't believe him intirely on their side, yet by what he has *preach'd* and *answer'd*, they discern a *Service* done to their Cause. And others see with

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Concern some Principles reviving, that have risk'd the Nation more than once, and which ought to be a-sham'd to appear in Publick at this time of Day. Methinks 'tis favour enough to 'em, that they have not come under the severe Animadversion of the *State*, whose avow'd Enemys they truly are, and whose Enmity and vindictive Justice they loudly demand. For whilst their Abettors, under the *Vizard of a meek, passive, suffering Temper*, become daring Champions for Tyranny and Slavery; they make void our whole Constitution, and in effect the whole second Table, viz. the Love of our Neighbour. They pretend to be mighty conscientious, in rendring to Cesar the things that are Cesar's; or rather, as they truly mean, the things to the Pretender which they think to be the Pretender's. But are not Cesar's Subjects to have their Dues by Scripture and Reason, as well as Cesar the Sovereign his? If we are to honour all Men, and obey Magistrates; are we not also to love the Brethren? Have Publick Justice, and a wise Constitution, no Claims, no Rights to be regarded? Must the Will of the Prince swallow up the Constitution he swore to maintain? And is Divine Justice more concern'd for Tyrants than for States and Constitutions? Are all the Rights of whole Nations to be at the mercy of Princes, under pain of eternal Damnation? Are we passively to betray the Monarchy and Constitution to the Will of the Prince in being? Are we to side with one Part and Branch of the Legislature, and oppose and ruin for its sake the Remainder? Is it fair in the Bp of E. and consistent with his own Principles, to insist upon intire Submission to the Prince alone, when he had maintain'd again and again the Legislature to be the Supreme Power? If the Legislative be the Supreme Power, as certainly 'tis, then opposing the Constitution is resisting the Ordinance of God; and they who amongst us make so great a Clamour about Non-resistance, are really the greatest Patrons of it, in the worst Sense of the Doctrine; for they plead for it in behalf of those who are subverting a wise and just Constitution, which they, and every Sub-

ject are bound by Oath, or in Conscience, to maintain. They plead for Non-resistance to the Tyrant in being, *against* all the Laws and Rules of Justice, fram'd by his wise and glorious Predecessors, and, as it may happen, against the very Being of the Church and Monarchy.

§. 50. How much soever therefore the Author of the Answer to Mr. H. may triumph with Sir Roger's *Aesop*, p. 40. with his famous Convention of *Tag-Rag* and *Bobtail* on *Salisbury-plain*, p. 45. with his Insinuations, p. 50, and 51. about the *Duty we owe to our Parents*, nay the whole *Duty of Man's* being made much less than it was, by the worldly-wise *World*, as he most ingeniously puns ; yet it must always be remember'd, that the *Passivists* who were Disciples of that *State-Bufferoon*, Sir Roger, have advanc'd Notions as ridiculous as any *Tag-Rag* of 'em all ; and have not only made the *Duty of Man* much less than it was, but for the sake of their belov'd Doctrine of Non-resistance to the illegal Violence of a Tyrant and Usurper, have rendred impracticable the whole *Duty of Man*, not only to his whole Family, but the whole Nation. In short, if their Non-resistance be a necessary Duty, the Love of our Neighbour and the Constitution are impossible. If their Prince will have it so, down goes Country and the Constitution, that has been framing and improving these thousand Years ; and all at one Blow of this pretended Minister of God, who must not forsooth be resisted in his very Resistance of the Ordinance of God, i. e. the just Constitution of the Realm. A Doctrine, so undivine, so unhuman, that 'tis impossible it shou'd come from the God of Love, and be believ'd by sober reasonable Men ; and almost as impossible, one wou'd think, to be preach'd by Divines, who by their Office are suppos'd to be great Lovers of Mankind. And yet some of our Theologico-Political Divines, to use the Bishop's Epithet, such as *Sibthorp*, *Manwaring*, *Fern*, *Heylin*, and *Hicks*, &c. have signaliz'd themselves in this mischievous Notion, which puts all Governments in danger, and

and makes their Preservation impossible without Miracles.

§. 51. 'Tis not without Indignation that we see such Opinions reviv'd by some *Dignitarys of our Church*, which if the Nation in K. James II's Reign had believ'd, we had been irrecoverably lost in Church and State. Is it not *Crime enough*, that a Set of *Sycophants and Traitors in the last Age*, under the specious Pretences of *Loyalty*, flatter'd both Father and Son into such unhappy Measures, as ended in the Fate of our Kings, and had irreparably lost both our Church and Monarchy, without a singular Providence? I am sure, to use the Bishop's words, p. 52. *Some unfortunate Wretches*, who in the last Century preach'd, printed, and practis'd a little too much, according to the Principles maintain'd in the second Accession-Sermon, and the Answer, wou'd have given all they were worth in the World to have secur'd themselves and their Benefices. And tho some have had the Modesty to be asham'd of, and others the Humility to retract their dangerous Positions, yet the same are lately preach'd and defended by Men of Character and Authority, as the Bp of E. styles himself. What they deserve of the Publick for their Pains, I leave the Publick to judg, who are well inclin'd to believe what that Bishop says of himself, Answer p. 52. *I know what I deserv'd, and it was not a Bishoprick I'm sure.*

§. 52. And now, my Lord, it wou'd be highly resent'd by the Bishop's Champions, if no notice were taken of their Defences. And of the Gentlemen themselves we ought to observe in the first place, that one of 'em is notoriously disaffected to the Go——t, viz. L——y, the Author of the best Answer, &c. If Mr. F——s the Author of the *Revolution no Rebellion*, and L——M—— that true Tom a' Bedlam, be of untainted Loyalty, 'tis well. The Author of the *Vindication* wou'd take it very ill, to be thought not to favour the Revolution, and the grounds of our present Establishment, which however is absolutely inconsistent with his Principles. In short, if any one of 'em be hearty for her Majesty's
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Title, and the Constitution, 'twill be for the Honour of the Bishop, and the Credit of their Cause.

§. 53. Mr. *Vindicator* puts on the Air of Civility and Modesty, and pretends to great Candor and Fair-dealing: In short, he's big with Hopes of Success from his imaginary Wit and Elegancys, as if the Cause were to be carry'd by empty Harangue. But his Insufficiencys appear at first view, when he pretends to state the Grounds of Liberty and Supremacy. P. 5. he says, *The King never dies, that he can do no Evil*: he means, he can do no Wrong. Are these the grounds of our Liberty? *That next under God he's Supreme Head and Governor?* How many Ages pass'd before this was to be found in the Statute Book? *That Parliaments owe their Being to him, but he his own to Birth-right.* A very false and absurd Position, yet he pretends to fetch it from Common and Statute Law, *ibid.* p. 5. which is very wonderful, and is as if he said, the Parliament once upon a time made an Act to impower Kings to make a Parliament. Where does he find such a Position in any Law-book of good Authority? I doubt he never consulted any, but trusted to *Ferne, H—ks, Sir Roger, and L—ley*; utter Strangers as well as Enemys to our Laws and Constitutions. Our Statute-books wou'd inform him, in every Session, that the Being of certain Powers is deriv'd to the Crown, not from Birth-right, but from the People; and to name one great Authority for all, Chancellor *Fortescue, de Laud. Leg. Angl.* will acquaint him, that the whole Regal Power with us, which is the same with what the *Vindicator* calls *the Being of a King*, is from the People: his Words are, — *Ad tutelam namq; Legis subditorum ac eorum corporum & bonorum, Rex hujus modi erectus est, & ad hanc (tutelam) potestatem a populo effluxam ipse habet, qua (i. e. quare, often in Fortescue) ei non licet potestate alia suo populo dominari.* And the same great Author, as expressly against the *Vindicator's* Position, says, — *Populum se in Regnum, aliudve Corpus Politicum erigere volentem, semper oportet*

unum præficere. — Quem Regem nominari solitum est.
— Sic ex Populo erumpit Regnum, &c.

§. 54. In the same breath we are wisely told by the Vindicator, that the Asserters of Liberty plead the *Concessions of Predecessors, Magna Charta, the Statutes of Rights, &c.* Did ever any Pleader for Liberty call *Magna Charta*, and *Statutes of Rights*, by the name of *Concessions*? Surely the Vindicator knows not what he says. 'Tis the very thing that the Asserters of Liberty constantly impugn; and maintain on the contrary, as the *Roman Law-books* do, that *Regal Power* is a *Concession* and a *Trust*: *Justinian* the Emperor acknowledges it in his own *Institutes*, *lib. 1. tit. 2. §. 6. de Constitutione*; — *Populus ei* (i. e. *Imperatori aut Principi*) *& in eum omne Imperium suum, & Potestatem concessit.*

§. 55. When the Vindicator has mention'd several Particulars maintain'd by some of the Asserters of Supremacy and Liberty, he very truly concludes, that these Schemes are as opposite and irreconcilable as Fire and Water, Light and Darkness; and yet in the same breath affirms, *The Rights of Sovereign and Subject are opposite, and that 'tis a National Blessing, and our Safety and Happiness, that they are so*: Which is a notorious Fallacy and Absurdity; for the *Rights and Privileges of the Crown* are, by a common Maxim in our Law, always understood to be for the *Beboof and Benefit*, i. e. for the *Rights of the Subject*; whereas if they were opposite or contrary to each other, they wou'd be inconsistent and incompatible. And here I wou'd challenge this Author, and all his Abettors, to give one instance in any Rights belonging to the Crown, which is opposite to the Rights of the Subject. This Assertion is so false, absurd and scandalous, that I wonder how it came from a Person that is no stranger to Men and Books: Tho he seems to be not a little unaccurate in his Remarks, and I think not very candid, when he insinuates, p. 6. that Mr. H. dislikes the Bishop for maintaining, *That we are to rebel against the King on no*
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pretence whatever ; which is a groundless and invidious *Innuendo* against a worthy Gentleman, who has a fuller and more rational Sense of his Duty to Kings than the *Vindicator*, or any of *his Abettors*. For these must, and do, by their own Principles, often turn Rebels against the Legal Prince, in favour of a *Tyrant* or *Pretender* ; whereas *Rebellion is as detestable a Crime, in the Judgment of Mr. H. as the Laws of God or Man can make it*. How injurious then, and unchristian is the *Vindicator*, to insinuate the contrary, and to flourish, p. 7. with the Character of *Half-Subject*, and *Half-Christian*, &c. which Titles none can deserve so justly as the Patrons of illegal Power and unlimited Obedience ? One of which number this *Vindicator* is shrewdly suspected to be, from his crude and unwarrantable Notion of an *Opposition between the Power of the Sovereign, and Right of the Subject* : which he is so hardy as to affirm the Law has made, *Vindication* p. 8. tho King Charles I. a better Judg, and for whom these Gentlemen pretend an exalted Veneration, has, in his Answer to the *Petition of Right*, affirm'd it to be his Maxim, *That the People's Liberty strengthens the King's Prerogative, and that the King's Prerogative is to defend the People's Liberty* ; which cou'd never be, if the *Vindicator's* detestable Notion were true, that these two things were opposite to each other.

§. 56. After this the *Vindicator* proceeds to sum up Mr. H's and the Bishop's Arguments, p. 8. and then, *Andabatarum more*, he enters the Lists. His Expressions are smooth, but his Thoughts are intricate, such as the Cause deserves, and which one wou'd wish in an Adversary. His Glances at Reasoning are not worth a review, and his Disingenuity runs on in the usual strain : for whenever he uses the terms *Accountable*, *Censur'd*, and *Punish'd*, he always mentions the King or Supreme Magistrate, &c. as *L—y* and the rest of the Masters of Defamation do ; which is shifting Scenes, and confounding the Enquiry. For the Question is not of the King or Supreme Magistrate, who as such, and
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acting as such, is certainly unexcusable, and unopposable ; and this the Patrons of Liberty hold, and will affirm in defiance of all the spiteful Insinuations of their Enemies : but the true Question is, *Whether one who is destroying the Monarchy and Constitution may not be oppos'd, for the sake of all his Successors, and of the whole Nation together ?* This is the Point Mr. H. is upon, and he must be an Enemy to Mankind who, when he rightly understands it, continues an Adversary to Mr. Hoadly.

§. 57. But the Vindicator is such an Adversary as wounds himself more by his own Assertions, than he does Mr. H. by his Arguments. He is very busy in appearance, and warmly engag'd upon the points of Resistance and the Origin of Civil Power, from the 9th to the 18th Page ; but all comes to nothing. He fences and parrys, but han't made one home push throughout. For him, poor Gentleman, after all his bustle, the Dispute still remains upon the first bottom, without any help to the Bishop, or hurt to Mr. H. tho not without contempt to the Vindicator's share in it : for, like the Fly in the Fable, he fancys he has rais'd a great dust ; and so indeed he has, for he bewilders himself and his Readers. Nothing but his Errors are clear and evident ; amongst which I take that to be a notorious one, p. 18. where he roundly and confidently affirms, *That 'tis plain the Supremacy, here in England, was once in a single Person, independent and uncontrollable, exclusive of Parliaments and People, to whom we were all Slaves and Vassals.* One wou'd think he meant the Pope's, and not the Prince's Supremacy ; for the latter never had such an exorbitant Supremacy in England as excluded Parliaments, and made all the Subjects Slaves and Vassals. But in short, this Position of the Vindicator's deserves rather the Publick Indignation than a private Answer. 'Tis by a Parliament alone that the Origin and Authority of Parliaments can be best vindicated ; and such Insolencys will be offer'd to our Legislature, till the Authors are censur'd

fur'd and sentenc'd, as Dr. *Manwaring* was for his extravagant Doctrines, 3 *Car.* I. which however the *Vindicator*, and other *Betrayers of our Constitution*, are continually spreading in Sermons and Pamphlets.

§. 58. The *Vindicator* throout takes the Supreme Power to be in the Prince, whereas the Bp of E. (whom he seconds) and our, and all Constitutions, place that in the *Legislature*: and *Resistance against that, and a good Constitution, is the great Sin*; and not the *Opposition of the illegal Will or Force of a Person, who resists his own legal and deliberate Will and Commands, contain'd in Laws, to which he has consented and sworn, and which are the sole Standard and Rule of Obedience.* To plead therefore for Non-Resistance against the unadvis'd precipitate illegal Will of any Prince, is in effect to become Advocates for Resistance and Rebellion too against his deliberate, settl'd, and standing Will and Pleasure, express'd in the Laws: and such an Advocate is the *Vindicator*, who is very florid, p. 20. in expatiating upon the Evils that attend Resistance, which he concludes will be greater than the Miserys of a Passive Submission to Arbitrary Power; a general Position he can ne'er be sure of, till he has read all the History on this Subject. But we are sure, that standing by our Crown and Constitution, against the personal Attempts of some of our Princes, has preserv'd the Crown and Kingdom to their Royal Posterity, to her present Majesty for instance. But if arbitrary Power had prevail'd, thro the *Weakness* of some, and the *Wickedness* of others, all the Evils consequent thereupon would have been justly chargeable upon *It* alone, and not upon a Loyal Defence of the Constitution. Had the People of some Countrys stood up early for their Rights, and not suffer'd an usurp'd illegal Power to plead Prescription against Justice and Reason; they and their Posterity had not been traml'd upon, and made miserable from Generation to Generation; and the *Turkish* and *Persian* Empires had not enslav'd such large Cantons of the Habitable World, for so many

many Ages. Let the *Vindicator* consider, whether we *Britons* don't fare the better this Day, for the firm Adherence of our Ancestors to our Constitution, against the Attempts of some of our Princes; and whether our Condition is not infinitely beyond theirs in *France*, *India*, or *Turky*, where the *Passive Notions* reign, and the poor People have in a manner quite lost a sense of the Dignity of Human Nature, and the Comforts of Human Life. But if upon the whole the *Vindicator*, like others of his Opinion, thinks it will have better Effects to submit to, than resist the illegal Power of an Arbitrary Prince, tho it be for the sake of the Crown and Kingdom too: the World is wide, he may have his Choice in any Quarter of it; and as for me and mine, let the *British* Monarchy, Liberty, and Constitution, be for ever our Destiny: and whenever they are assaulted by the *Pretender*, or any other Domestick Enemy, may every honest true-hearted *Briton* stand up, in imitation of his glorious Ancestors, for the Monarchy and Constitution, which are God's Ordinance in this Island, and maintain the *Divine Rights of the whole Nation*, against him or them that resist, and wou'd destroy the Ordinance of God in *Great Britain*.

§. 59. The Mistake of this *Vindicator*, and his Friends, which renders their Schemes of Government absolutely false and unsafe for every Constitution, is this: They suppose the Supreme Power with us in a single Person, and then resolve all into his Will and Pleasure, as the Fountain of all Laws, and the only measure of our Obedience. From this Capital Error, and an illiterate Sense and Application of *Rom. 13.* flow all those unsound Notions which have pester'd this Nation all the last Century: and tho they have threaten'd Ruin to us more than once, yet they are openly and hardily propagated in defiance of our present Settlement.

§. 60. How conscientiously does the *Vindicator* argue for Arbitrary Power, p. 20. *One single Supreme* (suppose for instance *Nero*, or *Lewis XIV.*) *can't drink*
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all the Blood of the Nation, nor lie with all the Women, nor eat all the Children. Therefore he hopes, I suppose, all good Frenchmen will tamely submit to him as the Minister of God, rather than suffer the People to get to be Supreme, as he dully expresses a very uncouth Notion; For fear (forsooth) the People shou'd become their own Tyrants, their own Enemys, cut their own Throats, and commit all sorts of Outrage and Violence upon their own Persons and Propertys: for this you must understand is the Issue of all Resistance, in the Opinion of these Men; or at least, they wou'd be glad if it were so now and then, to vindicate their unaccountable Doctrines. 'Twas this they earnestly hop'd and pray'd for after the late Revolution, and have, by seditious Pamphlets and assassinating Plots, been labouring hard for every Year since. They pretend sometimes to speak fair of the Revolution, as this Author does; but like Enemys, with a design to expose its Justice and Proceedings, and the great Temper and Moderation by which 'twas effected. From these, and the unexampled Lenity of the late and present Reign, some are grown so arrogant, that they take upon them to judg and censure all the Particulars of it; and want only Power to punish every one now living that was active in it. *Neither Lords, Commons, nor People* (says the Vindicator, speaking of the Convention) *ever presum'd, &c. to censure King James.* How Sir? Did not the Convention censure him? What was their Resolve of 28 Jan. 88. but a *just Censure*? wherein 'tis declar'd, *That James II. endeavour'd to subvert the Constitution, by breaking the Original Contract between King and People—and violated the Fundamental Laws, &c.* The King having presum'd to do this, our Representatives did not presume, as the Vindicator boldly words it, but of Right, and by competent Authority, censur'd his Male-Administration, and adjudg'd the Throne vacant, as this Writer expresses it, p. 21. who nevertheless in the same page says, *They did not presume in a regular way of Judicature, nor undertake to be Judges and Censurers, &c.* To please this

this over-nice Gentleman, we are to understand, that they acted not as *Judges* when they *adjudg'd* the Throne vacant, nor as *Censurers* when they formally *censur'd* K. James's Mis-government. Let the *Vindicator* take it so, provided he does not take his Performance for an Answer to Mr. H. and for *Dulcarnon* to his Readers. Towards the Conclusion of this Paper, the Author faces about, and turns short upon himself and the Bishop; for he speaks, p. 17. of *Societys being made by Contracts*: nay he seems to be of opinion, that Resistance it self mayn't be unlawful against one, *publickly disowning and renouncing all Law and Goodness, and professing Tyranny, &c.* p. 19. which is giving up the point in debate, and quitting the Prize to Mr. H.

§. 61. Mr. H's next Antagonist is *one of our City Cherubims with a Flaming Sword, that Pulpit Incendiary L— M—*, who to do himself Justice, and oblige the Town, has given his Paper the Title of *Tom a' Bedlam's Answer, &c.* than which after seven Years Study, he cou'd not have match'd himself with a juster Character. The Pamphlet, like its Parent, is very rude and very silly, and raves throout like a true *Tom a' Bedlam*. To set him right in his Notions, he's advis'd by Friends to continue one Year longer in his Lodging near *More-gate*; and to correct his Morals, care will be taken to speak for him to the Governors of *Bridewel*, particularly to Mr. *J—s*, the Author of *The Revolution no Rebellion*.

§. 62. This *Reverend Woll—n Drap—r* mightily values himself upon the ingenious Title of his Paper, which carries in it this scurvy *Innuendo*, as some think, that the Revolution was a Rebellion, and that the Author, if he durst, wou'd have made that his Title. If the Pamphlet had been call'd *a Trip to Exeter, or a Voyage to the World in the Moon*, either had as fully and truly express'd the Substance of the Paper, as the present Title does; for not a word looks that way in all the 32 Pages, excepting three or four Lines

in the 28th, where the Author. disingenuously insinuates, that Mr. *H.* endeavour'd to prove the Revolution a Rebellion: which the *Drap—r's* Conscience tells him is notoriously false, and that the Considerations of Mr. *H.* prove a directly contrary Position. This is it which gauls Mr. *J—s*; whereas Mr. *H.* wou'd have been a Favourite, if he had written against the Revolution.

§. 63. What this Gentleman has to offer against Mr. *H.* is chiefly taken out of *the Book of Homilys*. If he had vouchsaf'd to read the latter part of Mr. *H's* Defence of his Sermon before the Lord Mayor, &c. he might have spar'd his Pains, and learnt the true Design of the Compilers, and the Sense of the *Homilys* themselves, which he and others pervert from their true meaning, to countenance Slavery and Arbitrary Power. Every Passage without distinction is by this Gentleman, and other unwary Persons, thought a good Argument for Passive Submission to Illegal Violence. But these Men will never understand the difference between *open Rebellion*, and *downright Slavery*: The first stands absolutely condemn'd by all wise and good Men, but *Slavery has its Advocates*, and with some abandon'd Wretches is a necessary part of Religion. And as for *Resistance*, they renounce it, at least in Words, with great Detestation, tho it be ever so reasonable and necessary in the Grounds and Conduct of it. All kinds of *Resistance* with them is *criminal* and *downright Rebellion*: and all sorts of *Tyranny*, even the most flagrant, are honour'd by the same Persons with the Title of *Government*; which is a notorious Misapplication of Words, whereby they always impose upon themselves, and their Readers. A Resistance manag'd (as the late Revolution was) with Temper and Moderation, against illegal Violence and Attempts to ruin the Monarchy and Constitution; a Resistance that has restor'd our Laws and Libertys, and secur'd both for Ages to come, will by all wise and honest Men, ever be accounted glorious,

rious, and be approv'd by God himself, and all civiliz'd Nations. Now to such a Resistance, one wou'd think, no Men in their Senses shou'd be so stupid as to prefer the most Despotick Government; which is a lawless tyrannical Disorder, and often not only for one single Reign, but for a whole race of Princes from Generation to Generation, *a Continuance in a state of War and Plunder*. Yet this blessed Condition some judg more eligible, and attended with Effects less pernicious than such a Resistance, as has preserv'd the Crown, the Church, the Constitution, and whole Nation.

§. 64. The Argument which this Gentleman begins with, is taken from his Prayer-book, where *God is call'd the only Ruler of Princes*: whence he infers, they are accountable to him only; which is true indeed as to a final Judgment, wherein God only is Judg. But can he infer justly, *that Governments and Kingdoms must be ruin'd and destroy'd, till God works Miracles, and chastises or discharges Tyrants with his own Hand?* God is the only Ruler of the Constitution in the Body natural, must I not therefore *resist* a Distemper that threatens my Life? But to gratify this Gentleman, 'tis admitted that *God is the only Ruler of Princes*: yet that don't exclude the Agency of his Creatures, whom he may and does use to support good Princes, and to chastise Tyrants; and to punish the Nero's and Caligula's, those notorious *Resisters of the Ordinance of God, and Subverters of States and just Governments*.

§. 65. Well, but this Author informs us, p. 11. *That Subordinate Magistrates receive their Power mediately, and the Supreme theirs immediately from God; and that if Pilate's Power was to be submitted to, because 'twas from above, much more was Cesar's*. Now to this there's a short Answer, That the Power of Pilate and Cesar was either from God's Appointment and Approbation, or by his bare Permission: what they had in the first sense ought to be *obey'd*; what in the last to be *oppos'd*, if it were an illegal and treaso-

nable Usurpation upon the Rights of a just Government: which was really the case of the *Cesars*, who were in truth the greatest Rebels, and the Power they assum'd over the *Roman* State was the most flagrant Usurpation that ever was in the World. Yet this Author takes their Power to be from God, immediately by way of Delegation. He had said the Supreme Magistrates had their Power immediately from God; now 'tis well known, the *Roman* Senate were the Supreme Magistrates in that State, when *Julius* began, and *Augustus* compleated the Usurpation. Then he must grant, that the *Senate*, and not those *Cesars*, were irresistible. In short, 'tis plain, whilst this Gentleman presses Obedience from a mistaken Principle, he pleads in effect for Resistance and Rebellion against the Supreme Power.

§. 66. The only Passage this Gentleman seems to have yielded to the Force of Truth in, is p. 14. where he says, *All Persons and Societys have a Right to secure themselves by all lawful means, and none by any means that are unlawful*; which is readily and heartily agreed, as true: and 'tis as true, that resisting the Magistrate is no lawful means, tho' resisting an Enemy domestick or foreign must certainly be lawful in certain Cases, notwithstanding such Enemys pretend to be *God's Ministers* and Vicegerents. Which Pretence, by the way, is the highest Insolence against the Divine Majesty, in asserting a *Commission from Heaven* to overturn *States and Governments*; which in truth is executing the Devil's Orders, and dispatching the Business of Hell.

§. 67. And now we are come to the great, and indeed only, Difficulty that this Author starts, p. 14. where having propos'd this Question, *Whether resisting the Magistrate be a lawful means to be us'd by Societys for their own Preservation?* he tells us the Bp of *E.* asserts and proves the Negative. And so, my Lord, do I, and all others who understand the Point we argue: for Magistrates, as has been affirm'd again and

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again, are never to be resisted; since Magistrates signify Officers doing their Duty. But do or say what we can, these Gentlemen will always put the Question in wrong Terms. For the true and only Question is, Whether such who are in pretence Governors, but really and truly are destroying the Constitution they were bound and sworn to maintain, may be resisted, to secure the State, and preserve the just Rights of the Crown and a whole Nation? This is the Substance of Mr. H's Question. Now the Author of *The Revolution no Rebellion* says, the Bishop asserts the Negative, *and that it must be our Task to prove the Govern'd Society have a Power to secure it self, and a Right to use that Power.* Now if the Bishop asserts the Negative, his Assertion is directly contrary to his own Principle, which lodges the Supreme Power in the Legislature: *And has the Supreme Power or the Legislature, which is the whole Civil Power, no Power to defend it self, nor Right to use Power for that end?* This is an extraordinary Notion indeed! Ay, but this Gentleman affirms, *the Bishop has prov'd it; that's impossible: and by two Texts;* which is more impossible. The Texts mention'd by the Bishop, if they have any regard to the Question above, condemn an unjust and undue *Resistance of Government;* and by consequence reach any in the State, High or Low: whoever they be, that hinder the Execution of wholesom Laws, and oppress or oppose any part, or the whole Society, they resist Government the Ordinance of God. And thus did the *Cesars* heretofore, and *Lewis XIV.* now; for 'tis not Government, but Tyranny, which is the Reverse and Contradiction to Government, which they exercis'd. A private Man, or a few Miscreants, may be Enemys to Government. But none can resist and oppose, nay and destroy all Government in a State, so effectually, as the Prince who perverts his Trust and Power.

§. 68. But still perhaps this Gentleman will insist upon proof, *That a Society has Power to secure it self,*

and a Right to use that Power. If this be demanded, 'tis fit the World shou'd take notice, how far some Mens Principles are corrupted by a singular Perversion of the Holy Scriptures about the Nature and Ends of Government. What, must Civil Societys be question'd, what Power they have to secure themselves against a domestick Enemy? I may truly answer, all Power in Heaven and Earth sufficient for that purpose. Every Society may be consider'd in all its Particulars, which is the Supreme Power represented, or in its Legislative Capacity, which is the Supreme Power Representative. Now has the Supreme Power no Authority from God and Men to secure it self? *This is a Contradiction in Terms, to suppose the Supreme Power to be destitute of Power; and that too in the principal End and Design of it, viz. The Publick Safety.* Nay, this is what this Gentleman and his Friends cannot suppose by their own Principle, if duly heeded: for they don't suppose any want of Power in the Supreme Power; but lodg that Supreme Power, where 'tis not plac'd by our Constitution. If he will join with the Bishop in fixing it in the *Legislature*, there can be no Dispute, but *that* is possess'd of all Power necessary to govern and to secure the State: And that being the highest and Supreme Power, the Ordinance of God in this Island, the whole Society Representative, who can question whether it has Power to secure it self?

§. 69. As every single Person has, in the Opinion of all Casuists, in certain Cases of Extremity, a Power and Right of Self-defence; so Civil Societys, which consist of Individuals united for common Good and mutual Security, can never want that Power. Private and personal Power being unable to cope with associated Force and Violence, led Men to think of forming Societys for their common Benefit and Safety, which they propos'd shou'd secure their Persons and Propertys much better than a separate State cou'd do. But if Mr. J's Notion were true, *that So-*
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*ciety*s had neither Power nor Right to secure themselves against a domestick Enemy, who once was its Governor; then such Societys are in a worse Condition, than the particular Members of it were before their Union: when they might, as all agree, stand upon their Defence; but having associated and submitted to Rules and Governors, there's no Remedy, it seems, if they are oppress'd and threaten'd with Ruin! tho by their very Agreement to such Rules, and Submission to such Governors, the greater Security and Benefit was the chief and only thing intended: than which Supposition I think there can hardly be a greater Paradox and Absurdity.

§. 70. The chief End of Civil Societys is to secure Persons and Propertys more effectually, than cou'd be done in a separate and unassociated State. Now that Security being impossible without a Right and Power of Self-defence; and that Right, which every Person had separately, being not surrender'd, but united under certain Rules and Articles of Agreement: How can it be suppos'd, that Societys shou'd want, what every particular Member always retains in some Cases, and what the whole Society, by the very Nature and Ends of its Institution, cannot divest it self of, without intire Dissolution?

§. 71. Every one has a Divine Right to Being and Existence, till he has forfeited it; and every Society has a like, tho a greater Right. And just Rights are maintainable by the Laws of God and Men. The asserting such Rights by lawful means, can be no Wrong to others. No Person, no Prince, or Magistrate has or can have a Divine Right to do Wrong; but every one has a Right to defend his own.

§. 72. Magistracy, by *Romans* 13. is the Ordinance of God for the Good of Mankind, and of Civil Societys. And it may be truly infer'd from that Passage, that Nations and States have a Divine Right to a good Magistracy. And if the People have a Divine Right to preserve Order, Justice, and Peace in Civil Societys,

and to such a Magistracy as will conserve those Blessings, as they certainly have by *Romans* 13. and *Prov.* 8. v. 15, 16. and by other Texts usually cited for the Divine Right of Princes alone; then the People may maintain and defend their Divine Right, *unless it be suppos'd they have a Divine Right to a Privilege, which they have no Right to keep and preserve.*

§. 73. *David*, with whose case such a senseless din is made, tho a single Subject, stood upon his Right of Self-defence, against King *Saul's* Violence, with an arm'd force; which I'm sure your Lordship, and none of the Friends of Liberty amongst my Acquaintance, wou'd chuse to do upon a personal account, as *David* did: for 'tis most reasonable the State shou'd never be disturb'd for any private Wrongs. No, the private Rights of a few ought never to stand in competition with, or disquiet the Publick Peace. *David* therefore stept too far, to raise an Army for his own sake, and appear in the Field against the King; however he acted the part of a generous Enemy, and a good Subject, in sparing the Life of his Prince. He passes with some as an extraordinary Instance of Loyalty, whom I shou'd not chuse to follow, because I know my Duty, and I shall ever love the Publick and my Country too well to take Arms for personal Injurys receiv'd from the Magistrate. And I doubt *David's* Case wou'd have been High-Treason here, and *Jonathan's* Misprision of Treason, or a treasonable Correspondence with *David*. In short, his whole Example is not fit to be insisted on as a Rule for injur'd Subjects, tho his Magnanimity and wonderful Humanity in sparing the Life of his Prince, who thirsted after *David's*, deserves our Applause and Imitation.

§. 74. I have thought fit (my Lord) to insist upon *David's* Case again, to obviate a scurvy and malicious Insinuation, in Mr. J's Paper p. 16. and the other Pieces against Mr. H. as it he, and his Friends too, were not well affected to Government, than which they really believe there is not a greater Blessing to be

be had in this World. Our Adversarys therefore may flourish with their Invectives against Rebellion, as much as they please, and answer all the Pleas for it as briskly as they will, and we will join with 'em in so commendable a Task, which we think very well done in the Homilys; but I fear not to the Satisfaction of our *furious Perkinites*, who notwithstanding their Pretences to Loyalty, and *sensless Cant* upon the Subject of Rebellion, wou'd upon the first Opportunity be guilty of a notorious Rebellion against Her Majesty. Many of 'em began to look big, and to speak too plain, at the Noise of the *Pretender's* Invasion. In short, those Gentlemen are Rebels by Principle and Inclination, and long to appear in their proper Colours. But this Gentleman and his Friend may understand, that *Rebels we hate, and Rebellion we detest: but of all sorts of Rebels, and of all kinds of Rebellions, the Jacks and their Rebellion are the most detestable, and most damnable*, because they wou'd ruin the best of Queens and Kingdoms, the best Church and Constitution; and all this to introduce the most abominable Papal Heresy and *Gallick Tyranny*.

§. 75. I hope Mr. F — s is no Friend to such, tho he opposes Mr. H. one of their ablest Adversarys, and presses him, p. 19. to produce some plain Texts to prove, that *the Govern'd Society have a Right to secure themselves, by resisting their Governors, &c. notwithstanding the general Prohibition, Rom. 13.* Alas, for Mr. F — s, he has mistaken his Man; there's no body so likely to give him a List of Texts for Resistance against Government, as L — ley, H — ks, and the rest of those notorious Enemy's to Government. But for Obedience and Allegiance, I believe Mr. H. can produce as proper Texts, and as convincing Reasons, as any Gentleman of his Order. 'Tis Government that he writes and pleads for, and Resistance only for the sake of Government, which indeed is not to be preserv'd, without resisting the Enemy's of the Government. But since nothing but Texts will satisfy this Gentle-

Gentleman, I desire him to consider, that neither Mr. H. nor I, nor any body in their right Senses have, or do, or ever will affirm, that *Governors* are to be resisted to secure the Society : for to resist *Governors*, I mean those who are properly so call'd, *wou'd be the ready way to ruin, and not to preserve, the Govern'd Society* ; for their Welfare are inseparable. But that which is said and will be ever true and justifiable, is this : *That the Society has Power and Right to preserve it self from domestick, as well as foreign, Enemies ; and Romans 13. and all other Texts usually alledg'd to inculcate Obedience, are strong Arguments for this Assertion. Government and Authority are there call'd the Ordinance of God, and Resistance against that is there pronounc'd Damning.* Whoever then attempt to ruin and subvert *Government*, 'tis they who resist the *Ordinance of God*, and their Resistance is damnable ; but whoever resists those who are resisting the *Ordinance of God*, their Resistance being in maintenance of the *Government*, and against the *Enemies* of it, is commendable, and truly glorious. So that St. Paul will fully justify every Society, in securing it self by a necessary Resistance against them who wou'd ruin it, and subvert the *Ordinance of God*, which is a just Government.

§. 76. And since Texts are so pertly demanded, to justify the most reasonable and most righteous thing in all the World, viz. The Preservation of Civil Societys ; 'twill be civil in this Gentleman and his Friends to point out some Texts, that will justify the Resistance of our *Perkinites* against our present Government ; and others, that will fairly support their Anti-christian Doctrine of Servitude, or slavish Subjection to Tyrants, in opposition to the Laws and very Being of the whole State, with the Regal Office into the bargain. We demand a sight of such Texts in their next Prints, that we may know where their Strength lies.

§. 77. Our Laws distinguish between Conditions in Deed and in Law ; as all Divines do, between a Sense express'd,

express'd, and a Sense imply'd in the Holy Scriptures. Now the Union of Civil Societys being in the Nature of Contracts; the Obligations between Princes and their Subjects must be mutual, and grounded upon Conditions express'd, or reasonably imply'd in the Manner, Form, and Design of the Union.

§. 78. This Gentleman seems to value himself, for putting a very hard Task upon those, who assert an *Original Contract*, that they wou'd shew what's said therein of Resistance. We beg the like Favour of him, *That he or his Friends wou'd direct us to the very Chapter and Section of any Book in our Laws, that will prove we are all to sit still, and see the Monarchy and Constitution ruin'd, and the whole Nation undone, by one who is, of all Men, most oblig'd to protect and defend it, being vested with great Power, Wealth and Dignity, for that very End.* But if he will be content with an Abstract and Copy of the *Original Contract*, he may soon find, in the *Coronation-Oath*, that part of it which binds our Kings: And, in the Forms of our *Oaths of Allegiance*, he will find that which binds the Subjects, who are the other Partys to the Contract. *The Laws are the common Rule, and Band of Union, to which both are sworn;* so that the Contract, or Bargain, is solemnly confirm'd with the Oaths of both Partys, and is to be interpreted for the mutual Advantage of both.

§. 79. As this Gentleman slights the Notion of an *Original Contract*; so 'tis plain he's no hearty Friend to the *Revolution*, and is angry with Mr. H. for saying, some of the *Highest and Holiest Rank* invited over the late King. This is what the Enemies of the Revolution can't, with any Patience, reflect upon, that the Revolution was countenanc'd by the late Prince George of blessed and pious Memory, Her most Sacred Majesty, and many of the first and best Quality in the Nation; for which the *Jacks*, in their Hearts and private Discourses, will never forgive 'em. Had the People of the middle Rank, and lower Condition only,

ly, espous'd the Nation's Interest, at the landing of the Prince, *the Advocates for Tyranny and Slavery* wou'd have charg'd 'em home with *Rebellion*: but now as the Case was, tho they censure privately every Soul that then appear'd for the late King; yet they are seldom so bold, as to call her Majesty a Rebel. But if a private Writer defends the Justice and Principles of the Revolution, he's sure to offend the whole *Faction of Perkinites*. Mr. F — s, 'tis plain, takes fire upon this account, and falls upon Mr. H. with a heavy Charge of *forgetting the Doctrine of the Church, and advancing Notions contrary to her Liturgy and Homilys, and destructive to Monarchy and all Civil Government*. As if resisting those who are the Enemys of Government, and defending Civil Societys from Ruin, which is the Sum and Design of Mr. H's Papers, were things contrary to the Church, her Liturgy and Homilys, and even to Monarchy and Government. — *Credat Judæus Apella, non ego* — As little can it be believ'd, that a *Doctrine which encourages Tyranny and Usurpation, and ties up Mens Hands and Consciences from preserving, in the greatest danger, the Monarchy, Church, and Constitution, shou'd notwithstanding make its Disciples the only Friends of the Church and State*.

§. 80. Yet this Mystery must be believ'd; and accordingly we are to look upon H — ks, Col — — er, Gr — — mb, L — — ley, and the rest of those *Apostates from their native Country*, who like true *Renegadoes* have almost renounc'd both Church and State, as the only true Friends to both. And we, to please these Gentlemen, must in good earnest expose the *Late Glorious Revolution* as an *Execrable Rebellion*, and join with Mr. F — s in his Prayer for the Conversion of Mr. H. p. 31. and of all that assisted in it. In short, if we expect any Absolution from the *Absolvers of the late Regicides*, we must become *Passivists, Jacobites, Enemys to our Gracious Queen, our Country, and our Religion*: and declare our selves the hearty Friends of *Popery, Slavery, and Arbitrary Power, the Pretender,*

tender, the *French King* ; and at last, of the *Pope*, and the *Devil*, and all his Works. Upon these blessed Conditions, *Mr. H.* and the Nation may be forgiven ; or otherwise be treated as incurable Reprobates.

§. 81. I have now done with *Mr. F——s*, and most humbly beg your Lordship's leave to present you with a few Remarks upon a *most impudent*, and *most insignificant Pamphlet* ; written, as is pretended, by a *Student of the Temple*, but really drawn up by that sworn Enemy of the Revolution and our present Constitution, *Mr. L—ley*, the Author of those insolent Libels against the Government, call'd the *Reb—ls*, for which pious loyal Service he had the Blessing and Instructions of some Spiritual Fathers. From the Confidence of the Title of this Piece, which is call'd *The Best Answer*, &c. every body, at first blush, believ'd it to be written by *Mr. L—ley*, that notorious Bully of the Perkinites, and furious Champion for Slavery and the Pre—der. Some few of the unstudy'd Junior-Clergy, with all the *Jacks* in Town and Country, have so far gratify'd this extravagant Bigot with their high Commendations of his weekly Lampoons upon our present Establishment ; that he looks upon himself as the *Great Goliath of the disaffected Party*, and gives himself, in all his Writings, unusual Airs ; raving and boasting with excessive Confidence in his own Cause and Abilitys.

§. 82. In his Preface he taxes *Mr. H.* for his Behaviour to the Bp of *E.* but silyly insinuates, in the same breath, that the Bishop has alter'd his Thoughts about Government, and corrected his Mistakes in his Sermon 1704. and upon that Supposition the Bishop has the Favour and Excuses of the very obliging *Mr. L—ley*. Supposing, says this civil Gentleman, *he had been in an Error, and gone along with the Stream* ; there can be nothing more glorious than to return, &c. and preach up the contrary Doctrine, for the sake of those who might have been misled. *St. Austin* thought it no Dishonour to write *Retractions*. *Humanum est errare. Let my Lot be*
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with the Penitents. Thus the obliging Mr. *L—ley*. The first Honour he does the Bishop, is to admit him into the *Class* of *Penitents*. However, the Party was mightily flush'd by the Bishop's Sermon. *L—ley* talks of nothing less than a compleat Victory (*Pref.* p. 5.) over Mr. *H's Mob Principles*, as he calls 'em ; and hopes to see them made the Jest of the Town, and the Nation rescu'd from the Destruction of Soul and Body ; that is, in *L—ley's Plain English*, put into the Pre—der's Hands. Upon every Sermon on *January 30.* or *May 29.* or any other Day, wherein the Party can find any Passages, which some of our Clergy have indiscreetly let fall against our present Settlement, and the Principles whereon 'tis founded, the *Perkinites* instantly make publick Rejoicings and Reflections in our Coffee-Houses ; and like *Old Infamy* at *Versailles*, *Te-Deum* the seditious Audience in their Conventicles. From this Noise and Bluster, their Friends at *St. Ger—s* are deduced to think 'em considerable: insomuch, that *L—ley* may perhaps have the Vanity to expect, if he has not already had, a Letter of Thanks from the Pre—der. This, in short, or something like it, has so strangely exalted his native Insolence, that he now hangs out his Flag of Defiance, and will venture his Neck in the Cause of young *Perk—n*.

§. 83. He offers at a sort of Apology for writing this Rhapsodical Answer. The best he can make will never excuse his Folly and Impudence : Mr. *H's Foundation*, he says, *deserves to be treated with the utmost Contempt, because 'tis ridiculous.* All Men of Sense judg *L—ley's Cause* and his Writings ridiculous and scurrilous in the highest degree. Let him write on with the same Folly and Knavery as he has scribl'd hitherto ; for nothing can more amply expose his Parts and his Principles too, than his own remarkable Arrogance and Ignorance.

§. 84. Mr. *L—ley* begins at the End of Mr. *H's Considerations* ; and, in pretence, is angry with him for saying, the Consequence of the Bishop's Principles in
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his Sermon wou'd be, that Her Majesty's Title cou'd be only a successful Usurpation: which Notion, tho'tis utterly detested by Mr. H. and all the honest Men in the Nation; yet L—ley knows in his Conscience, what he and his Friends judg of that Point, and what they have said a thousand times over in their Conferences at D—'s, at Keb—'s, at Stra—n's, and elsewhere, but very lately. Was but the Pre—der's Interest in the Ascendant here (which God avert) his Followers wou'd soon damn the Queen's Title, and hang her Friends: Mr. L—ley wou'd think it hard to be of that number, and to suffer for one whom he insolently exposes in the Person of *Athaliah*, *Pref. last Page*.

§. 85. When Her sacred Majesty is so traitorously assaulted, Mr. H. has no reason to wonder at his own Treatment from the Party. This pretended Student of the Temple, who in the first Pages of his *Best Answer* betrays his Ignorance in the Law, and in all his Papers shews that he has study'd nothing to any purpose, but Kna—ry and Disloy—ty, raises a great Outcry against Mr. H. p. 3. *as if he oppos'd the Church, the Queen, the State, the Bp of E. and himself when first ordain'd*. With such Chime and Bounce he tickles his Mob Readers, and with them passes for a very masterly Writer. But pray, Mr. L—ley, what have you to do with the Church, and the Queen? &c. Are not all these with you and your Friends mere Apostates and Rebels? Do you own any other Queen *De Jure*, but a certain Lady at *St. Germ—ns*? and any other Church but the *Nonjuring Conventicles*? and any other State but the Pretender's Council and Confederates? And for the Bp of E. our Student sometimes means Dr. Bl—l, when he intends to expose him or Mr. H. but the Doctor may be assur'd he is only a *Titular Bp of E.* in this Student's account. And his *real and lawful Bishop* is a certain notorious *Nonjur—t*, and *Semi-Romanist*, nam'd by the Pre—der.

§. 86. Whose Birth, Mr. L—ley tells us, was, *by the Prince's Declaration, to have been examin'd in Parliament.*

ment. But what if his Friends durst not stand the Trial, for fear the *Impostor* shou'd be detected? And what if the Parliament judg'd that *Supposititious Birth* beneath their Consideration, since they had a wiser Course to take for securing the Nation? And that Course they did take, in settling the Crown upon the late King and Queen of ever Glorious Memory, and on Her Sacred Majesty; whom this pretended Student, and his and the Pre—der's Friends behold with Indignation, sitting upon the Throne of Her Ancestors; and subduing a foreign Power, on which they chiefly depend, and for whose Success they make continual Vows and Prayers.

§. 87. 'Tis not then for want of Will but Power, that our excellent Queen is not murder'd by the Pre—der's Friends, as her Royal Pious Grandfather was by their Predecessors, or destroy'd by a barbarous Assassination, as the J—bites inhumanly conspir'd to perpetrate upon the sacred Person of his Majesty King William. If that Plot had taken effect upon a 30th of January, or a 29th of May, the Jacks wou'd have consecrated that Day, and canoniz'd the Regicides to all future Ages; and the Pret—der's Party wou'd have decimated and sequester'd, imprison'd, hang'd, and banish'd all his Majesty's loyal Subjects, as the Usurper's Party dealt with the Royalists heretofore: and for all this Violence and Villany they wou'd not have wanted H—ks's and L—ley's, i. e. infamous Di—nes, who wou'd have quoted Scripture, and Law, and Precedents, and Providence too, in favour of the young usurping Oliver, the spurious Pre—der; for whose Sake and Interest alone this mighty Din is made about Resistance and Non-resistance. His Friends (is this pretended Student his Enemy?) wou'd feign persuade the Nation not to resist him and his pretended Divine Right; but wou'd be pleas'd to see her Majesty's Subjects take Arms, and resist her Sacred Person and Authority. And if seditious Libels and private Caballing against the Government will have any Influence

Best Answer, p. 6.

fluence upon her Majesty's good Subjects, and make way for the *Pre—der*, his Friends will not fail to make all the Bustle they can for his Interest. Plain Hints are given us by *L—ley*, p. 7. what he takes to be for his Young Master's turn: *He talks of Pamphlets that stole out now and then, and were hunted; that these kept Life in the Cause, and at last prevail'd, and made way for a Restoration.* From his *Reb—sals*, and his other Libels, he hopes for the like Success; but, God be prais'd, such Hopes have been blasted for 20 Years, and their Cause is now so desperate, that they have lost all other Hopes but what they place in our *Divisions*, and a horrid Conspiracy.

§. 88. This pretended Student is extremely offended with Mr. H. for saying, *Persons of the highest and boldest Rank invited over the late King, &c.* *L—ley* can't with any Temper reflect upon the Countenance the Revolution always had from the beginning from all Orders and Professions in the Nation. That the Prince shou'd be invited over by so many Persons, and so considerable for Estate and Quality, and the *Pre—der* by a few Miscreants only of profligate Lives and desperate Fortunes, is a thing that enrag'd the *Pre—der* and his Friends; whom for once we are ready to oblige with a List of those Immortal Patriots that sent for the Prince to rescue their Native Country out of Popish Hands; provided the *Perkinites* will be so civil, as to give us a true List of the Names of those unnatural and inhuman Traitors, who invited over the *Pre—der* two Years since, to dethrone the Queen, to ruin Church and State, and to make this Island a Theater of Misery and Confusion. But if they are shy in doing this Favour out of hand, we hope some who were their Friends, and see their Error, will in due time inform the World, to whom the Nation stands oblig'd for the *Pre—der's* Attempt to invade us; and when and where his Friends hold their ordinary Clubs and Cabals in this City, to promote Resistance against the present Government, tho they pretend to be utter

Enemys to *Resistance*. This Author wou'd have, *p. 13.* the Doctrine of *Non-resistance* put in his *Catechism*, which he calls a necessary Christian Doctrine. I can't but second his Proposal, tho *his Friends* have such an itch to be *resisting*, that I doubt they'l fling away their Books, and never learn *this wholefom Lesson* of Non-resistance: *Friend, Parker, and Perkins*, with the other *Regicides of the Perkinite Faction*, cou'd never endure that Doctrine all the last Reign. And there's not a *Perkinite* in the Nation but mortally hates it in this Reign. In short, they are for *Non-resistance* in *our*, and for *Resistance* and *Rebellion* in their *own* Catechism; and when we have learnt our Lesson perfectly, how easily may they put on the Yoke?

§. 89. Which this *pretended Student* labours hard to fit to our Necks. He sophisticates the Scriptures, and perverts our Homilys to favour his rebellious Aim; for whenever he produces any Passages out of either against Resistance and Rebellion, not the *Queen* but the *Pre—der* is the *Sovereign* in his view: by which ambiguous *Term* the *Non-jurant* Preachers equivocate most insolently in their *Prayers* to Almighty God, and in their *Conversation* with honest Men. In short, their Use of the *Homilys* and the *Holy Scriptures*, in the point of *Resistance* and *Obedience*, is altogether *Equivocal* and *Jesuitical*; and all their Noise about the 30th of *January* is not for the sake of the *Queen* but the *Pre—der*: for cou'd the *Perkinites* dethrone *Her*, and restore the *Chevalier de St. George* on that *Day*, they wou'd soon turn it into a *Day of Thanksgiving*.

§. 90. When this *pretended Student* comes to argue, he falls into *Banter* and ill *Manners*; and instead of weighty Reasons plays with Words, and grows *whimsical*; he seconds the Bishop in pretence, but really leaves him and his Arguments in the lurch. At *p. 31.* he affects to be an Advocate for the *Lower House of Convocation*; not that he likes their *Queen*, or their Principles, but is glad, like other *Perkinites*, that Mr. *H.* has some Enemys in that *Reverend Body*, which

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they look upon as a *Nominal Convocation* : for our *Queen and Bishops, Parliaments and Convocations, Ministers and Magistrates*, are all *de facto*, and not *de jure*, with the *Perkinites*. According to their unaccountable Doctrines, the Nation has been in a state of *Anarchy* for the last 20 Years ; and will be so till a *French Power* settles Church and State, for which they make Prayers and Vows without ceasing.

§. 91. 'Twould be endless and impertinent to follow this *impertinent Student* thro all his *Whimsys* about his *Chaos*, and his *Case of a Referee*. In the first he writes like a *Non Compos*, and in the second plainly discovers an *incurable Incapacity* or *Impudence*. He industriously declines Plain-dealing and Perspicuity, for fear his *Absurditys* shou'd stare himself and his Reader in the face ; and roundly affirms and denys every thing that may amuse the *Weak*, and seem to gravel his Adversary. He talks continually of the Magistrate invested with Divine Authority ; but no where tells us, what he means by that Phrase. 'Tis safest for him to lump it, and dodg with his Opponent. But Men of Sense and Letters will not bear with his *Illusions*. He pretends, p. 11. to propose a very weighty Question, viz. *Where the last Resort is ; and if that be not unaccountable ?* I answer this Student, that with us the *Legislature* is the *last Resort*, or *Supreme Power*, as the Bp of E. acknowledges over and over ; and that *Legislature* is *unaccountable*. And what then ? This is the Case, whilst Justice and Reason, Laws and Government are in force. But in a state of *Hostility*, the last Resort ought to be the *juster side* ; and that is such where the *Constitution* is principally regarded, and the *Model* of Government before the *Breach* endeavour'd to be restor'd. But Mr. L—ley's Scheme will place the *last Resort* in a *single Hand*, right or wrong.

§. 92. He affirms, p. 42. *There's no difference betwixt Paternal or Civil Government, for the Paternal is Civil Authority*, ibid. Ay, Sir, who taught you this ? Not St. Peter, nor the Bp of E. nor any antient or modern

Author of Note. But since this Gentleman is so daring a Champion, I challenge him first to confute the Bp of Exeter and Mr. Hooker, and then Grotius and Puffendorf; and then he may reasonably hope to make Converts of Mr. H—ly and Me. But his Confutation of our must be better than his Arguments for his own Notions, or they'll serve only to expose him. He affirms in the same breath, *That Paternal is Civil Authority, and that it is Supreme and Absolute where there is no Superior Civil Authority to controul it*: that is, *Paternal and Civil Authority are the same, and not the same thing*; for Civil Authority may be superior to it, and controul it: this is his first Step. His next is, *That Adam was both Father and King of all the World, and from him Civil Authority descended to Cain, and so on to the Flood. After which Noah was likewise Father and King of all the Earth; and after this God thought fit to alter the Method of Universal Monarchy, and to divide the World into 70 Independent Nations, and set a Ruler over every one of 'em, all of whose Names are set down in Gen. 10. In each of these the Government descended by Primogeniture.* These are Mr. L—ley's Notions of the *Origin of Civil Government*, which contain such a Series of Absurdities and bold Paradoxes, as are not to be met with in any Writer besides himself. I find he trades, like his Brother Romanist, in the *Legendary Authors*; perhaps the Piece call'd *Lepto-Genesis*, and the *Revelations of Adam*, set forth by the *Gnosticks, Comestor and Isidore, &c.* From some of these he may tell us the Names of *Adam's 30 Sons and 30 Daughters*, and entertain his Readers with the Story of *Lillis, the first Wife of Adam*, and Mother to the *Hobgoblins*: out of all which his fine Parts may spin very fine Arguments for *Paterno-Civil Government*. But how does this pretended Student shew from *Moses's Genealogy* just 70 Monarchys? And how does it appear, that those Monarchys descended by Primogeniture? Which of all the Kings now alive can make out his Pedegree from any one of the 70? *The Kings of Scotland are of the most antient Line of*
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any *Monarchs* now reigning in Europe; yet they come short by several Ages of Mr. *L——ley's* Division of the World into 70 Kingdoms. And I doubt, in *Moses's* time, who liv'd about 700 Years after these imaginary *Monarchys*, the several Princes then reigning in the Universe wou'd hardly have found out any Records of their Pedegrees; for they had no Letters (consequently no Historys in *Greece*) till *Cadmus's* time, who was, it may be, a Cotemporary with *Moses*. And *Abraham's* Story makes him no Subject nor Sovereign in any of the 70 Kingdoms, yet powerful enough to engage and defeat 4 Kings, *Gen. 14.* where we find 10 distinct Kings mention'd within so small a Territory, that no body but Mr. *L——ley* will believe they had any Notion of this imaginary Division: to be sure, if *Abraham* had known any thing of it, who methinks must have known if there had been any such thing, living within 300 Years after 'tis suppos'd to be made; he certainly wou'd not have dealt so freely with Princes who had receiv'd their Crowns by a *Divine Charter*. And if the *Patriarch* had known any thing of this Descent by *Primogeniture*, he wou'd certainly have been the Subject of some Prince or other in his Neighbourhood: yet we find him in an independent State, and so were *Esau* and *Jacob* his Grandsons. To all these Patriarchs the *Divine Right of Primogeniture* to govern Kingdoms was utterly unknown. They seem to have been better acquainted with Mr. *H's* independent state of Nature, than Mr. *L——ley* or the Bp of *E.* who ridicule it.

§. 93. And as for *Adam's* universal Civil Government over all his Posterity, the *Holy Scriptures* are absolutely silent in the point. As far as his *Paternal Authority* cou'd extend, undoubtedly he exercis'd it. But that cou'd not reach distant Colonys and Settlements, which were founded in the 960 Years of his Life. And 'tis plain, that he did not proceed to do Justice upon *Cain* for the Murder of his Brother *Abel*. And it does not appear, that *Cain* had any fear of

Death from the Authority of *Adam* his Father; but rather apprehended, that *every one that found him*, Gen. 4. 14. *wou'd slay him*: Which apprehension 'tis most likely did arise from the Sense of his Guilt, which made him afraid that every Man wou'd dispatch him, as a Murderer, in his own defence. And this Notion he cou'd never have entertain'd, if there had been a regular Civil Power in being, at and after his shedding his Brother's Blood, to which he had been accountable.

§. 94. The Silence of the Holy Scriptures about the *State and Government of Mankind*, in the *Antediluvian Ages*, renders it impossible for Mr. *L* ——— to prove from 'em, that *Adam's* Authority over his Posterity extended to *all Cases Civil and Criminal*, as Civil Power did upon the forming Civil Societys. But from the *Hints* that are to be met with in *Moses's* short Account of the 1656 Years from the Creation to the Deluge, one may in part observe (as I have done before in the Case of *Cain*, and may add besides, the Case of *Lamech*, who was guilty of Murder too) that there seems to have been no standing and settl'd Authority, nor Judicatures amongst 'em, of whose Vengeance those Criminals were afraid. But they rather seem to have thought, that every Man for his own Security, might be their Executioner: which plainly supposes the *Non-existence of Civil Power*, when, and where at least, *Cain* liv'd; and consequently that he, and the rest of his Neighbours, were in a kind of *independent State*.

§. 95. And such a State every Son and Grandson of *Adam* wou'd, or might certainly attain to, after their Maturity. Whilst indeed they were of his Family, provided for, and educated by his Care and Labour, they were *subject* to his *Paternal Authority*; but when they were arriv'd at the Age and Capacity to provide for themselves, 'twas not reasonable they shou'd continue a Burden to him. And whenever he left 'em to take care of themselves, he quitted, not his Love and
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good Wishes for their Prosperity, but that *Authority* over 'em which was necessary in their Education. And such of 'em as marry'd, had Children and Familys, and planted in distant Settlements, where they cou'd have little or no Correspondence with their *Great Ancestor*, did not, upon every Dispute about Property, or for Injurys receiv'd, take long and hazardous Journys to seek Justice at his hands, who had left 'em to their own Conduct, and to govern their Familys by the same *Paternal Prerogative* as he had govern'd them in their Minority. This, or something like, seems to be the most probable Account of the State of the World before the Flood, at least during the Life of *Adam*. Tho'tis not unlikely, that after his Death, when Mankind were exceedingly multiply'd, there might continually happen such Disorders and Injurys among the several Clans, as might put 'em upon thinking of a Remedy and their future Security; and this gave birth to Civil Societys. Which is an Hypothesis that *Grotius* and *Puffendorf* among the Moderns, and *Plato* and *Aristotle* among the Antients, do all concur in. And they have the Authority of *Moses* and *St. Peter* to support it, and of *St. Paul* too in the 13 *Romans*: In which famous passage all sides suppose the Apostle presses Subjection to *Government*, and to the *Roman Government*; the Origin of which was certainly owing to the Consent of the Community, if all the *Greek* and *Roman* Historians may have any Faith with our *British Hottentots* the *Perkinites*.

§. 96. With which Character Mr. *L* — ley pretends to expose Mr. *H*. and his Notions; but his excessive Dulness and Impertinence most effectually expose himself in that insipid Dialogue, from p. 47, to 50. This daring *Ignoramus* makes very bold with his Readers, by obtruding such pitiful Banter upon 'em for a *best Answer*. If he be so stupid as to imagine such Stuff will pass for Reasoning, he deceives himself; for I can tell him, that some, who once had an Opinion of him for the appearance of Reason and Argument in his other

Pamphlets, *despise him*, and *scorn his best Answer*, as the boldest and dullest Imposition upon the *Publick*, and fit to convince no body but the *Hottentots*, or his Countrymen the *Wild Irish*. Yet since this *vain Scribler*, this superficial *Quondam-Chancellor*, takes himself for the *Simon Magus*, or the *great Champion* of the *Perkinites*; we will gratify his *Arrogance* for once, and desire all the *Perkinites* to leave their *glorious Cause* to the defence of this *pretended Student*, who will certainly continue to do considerable Service: but for whom I leave the *World* to judg, who plainly discern the *Brazen Head* and the *Cloven Foot* in all his *Pieces*.

§. 97. Sometimes he writes between Jest and Earnest. In p. 50. he gravely tells Mr. H. *He wou'd have him consider, that there is no Authority but what is deriv'd from God; it wou'd be to set up another God, to suppose any other or independent Authority. Very weighty Advice upon my Word!* This same thing call'd *Authority* is a certain *Individuum vagum*, to which Mr. L——ley is plainly a stranger. We agree the point, *that there is no Authority but from God*; and such is her Majesty's. Why then does not this pretended Friend and Counsellor of Mr. H. submit to the *Authority* of the Queen and Constitution, and take the Oaths? Why does he join with our Enemys, and the Pret——der's *Hottentots*, against his Country, and the *Authority* of the whole Realm? Why does he take such pains, and compass Sea and Land to gain *Profelytes* to a Cause that bids defiance to our Laws, and excites the People to open *Resistance* against her Majesty, *under a Non-resisting Passive Vizard*? All his *Bluster* about *Authority* and *Obedience*, whilst we know his *Principles* and his *Bias*s, signify no more with us than the pretended Chastity of his *Lais*, or the Piety of his *Lewis*: for whilst he talks loud for *Obedience*, he means to the *Pre——der*; when he declaims against *Rebellion*, 'tis intended to reproach the Nation, whom this notorious Rebel supposes in a state of *Rebellion*, for obeying the *Queen*, and resisting the *Pret——der*.

§. 98. He pretends to shew the Absurdity of deriving Civil Power from the Society. His Stile and his Arguments too are calculated for the Mob, with design to expose Mr. *H.* but they recoil upon himself. If he durst, he wou'd banter *Moses*, for directing the People of *Israel* how to make themselves a King: and *St. Peter* wou'd be treated as an *arrant Republican*, for stiling a Sovereign Prince the *Ordinance of Man*, or the Creature of the Society. What Quarter then can other Writers expect from him? with whom Candour and Integrity, Reasoning and common Civility, are no Vertues; and whose Talent is scolding, not disputing. He talks in general terms of Power being deriv'd from God; Who denys it in a proper and intelligible sense? But for the immediate Origin of Civil Power, who pretends to fetch it from Heaven besides *Z—y* and a few of our Countrymen? All our *old Law-books*, and all our *modern Lawyers*, that have had occasion to deliver their Sense upon this point, are fully against this *pretended Student of the Temple*; who, if he had been really such, and not a *paltry Proletarian Scribler*, must have known, that there is no Power or Authority vested in the Crown, but is founded in the *Common or Statute Law*. And if he will but stay till the end of this present Session of Parliament, he'll find several new Powers annex'd to the *Regal Office*, and perhaps some made void and repeal'd for the *Publick Good*. It is the most unaccountable thing in the World, and akin to the Stupidity the Defenders of Transubstantiation are blam'd for, That tho Men have every Winter 20 or 30 Acts, which are 20 or 30 Demonstrations of the Power of our Princes being immediately deriv'd from our Laws; yet they stupidly, shall I say, or disingenuously maintain, in defiance of our Laws, and our Parliaments too, that the Parliament did nothing, and can convey no *such Power*, as Sovereign Princes by their Office may exercise in their States.

§. 99. What does this *pretended Student* judg of the
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Authority of the Deputys in the 13 *Cantons of Switzerland*, or the Republick of *St. Marino*, or of any of the antient or modern *Popular States*? Does he suppose 'em all destitute of Sovereign Power within their severall Territorys? Are they all Usurpations upon the Rights of some unknown Prince's *Primogeniture*? 'Tis well known, that all that Power, which we commonly call *Sovereign*, is in the whole Community, and is exercis'd by them; in lesser States by every Householder, who has his Vote and Share in it. Now the same *Sovereign Power* is likewise in the Community here, and in other Monarchical Governments, but is exercis'd by *Representatives*, who are vested with the *Legislative Authority*. Did all these Particulars derive their Legislative Capacity from a *Divine Charter*? Yet all such Governments are mere *Nul-litys*, if there be any *Familys now in being* that have a Right by *Primogeniture*. Wherever they are, they stand in need of a *new Charter*, or *immediate Revelation*, to recover their pretended Rights. But there be no Princes now reigning in the World, that even pretend to such a Title: And one may perhaps defy Mr. *L*—ley to shew, that ever any Prince set up a Claim upon the Patriarchal Scheme; with which Whim some trifling Writers of our Nation have lately banter'd the World, expos'd themselves, and set aside all the Titles of all the Kings now reigning in the Universe. On this side Europe, our Historys, for the most part, shew us the Foundation of the severall *Western Monarchys*, and the Origin of the severall *Familys* and *Persons*, that have been, or are prefer'd to the *Regal Dignity*, and upon what *Terms* too. So that 'tis with intolerable Assurance, that Mr. *L*—ley offers to obtrude his *stale and absurd Hypothesis of a Divine Right by Primogeniture*, upon a Nation so knowing, and so jealous of her invaluable Libertys as *Britain*. This is a Doctrine, so like *Transubstantiation* for the Absurdity of it, that 'tis more fit to be preach'd to his Brother *Hottentots* at the Cape.

